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(un)Recognized Discrimination:

A Study of Sexual Harassment and the Disparity between Law and Practice in the South Korean Workplace

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Table of Contents

Acknowledgment.....	3
1. Introduction.....	4
1.1 Methodology.....	5
1.2 Existing studies.....	6
1.3 Personal Motivation.....	7
2. Theoretical Background.....	8
2.1 Defining Sexual Harassment.....	8
2.2 Models on Sexual Harassment.....	10
3. Western Discourse on Sexual Harassment as seen in the US.....	13
3.1 The Emergence of Sexual Harassment as a Social Problem.....	13
3.2 Early Court Cases.....	14
3.3 The Legal Process.....	15
4. Gender Relations and Hierarchies in Korea and Japan.....	17
4.1 The First Court Cases.....	18
4.2 Statistical Background on Sexual Harassment.....	20
4.3 Women's Social and Economical Position in Korea and Japan.....	23
4.3.1 The Marginalization of the Female Workforce in Korea and Japan.....	24
4.4 Patriarchy and Women's Position in the Korean Society.....	27
4.4.1 Perception on Female's Sexuality and Prostitution in the Korean Society.....	28
5. Sexual Harassment in the Korean Labour Market.....	32
5.1 Legal Protection for Working Women.....	33
5.2 Legal Acts on Sexual Harassment.....	34
5.3 The Disparity between Law and Practice in the Workplace; seen through Preventive Education and the Employer's Responsibility.....	38
5.4 Discussing the Socio-Political Context and Legal Acts' Influence on Women's Experience of Sexual Harassment.....	41
5.4.1 Sexual Harassment as a Reflection of the Gendered Workplace Hierarchy.....	41
5.4.2 The Influence of a Masculine Workplace Culture.....	45
5.4.3 Women Worker's Low Job Security and Sexual Harassment at the Workplace.....	48
5.4.4 After Sexual Harassment: Psychological Damage amid the Status Quo.....	49
6. Concluding Remarks.....	52
Appendix.....	54
References.....	59
Abstract.....	67

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1. Introduction

South Korea (hereafter Korea) has often been praised for its rapid industrialization and modernization. While scholars and economists have focused on the country's fast development and economic growth, aspects such as gender discrimination and the marginalization of the female workforce into low-paid and insecure positions have often been missing from the discourse. Since the start of industrialization in the 1960s, the active participation of women in the Korean economy has increased along with the enactment of several legal acts aimed to protect female workers. Despite this, however, the sexuality of women has occasionally been utilized by the state due to a socio-political background characterized by a strong Confucian patriarchal tradition with a strict hierarchy based on age and gender. In this atmosphere, a woman is ultimately reduced to her socially expected role as wife and mother¹ and her formal legal rights and protections do not coincide with the actual practice faced in the workplace.

While approximately 50 to 80 percent of female workers in Korea are thought to have experienced sexual harassment in their workplace, less than one out of ten actually reports the offence despite existing legal protection meant to prevent sexual harassment. To understand the great disparity between the high percentage of sexual harassment and the low rate of reported cases (compared to North American and Northern European countries), one must consider the country's socio-political background and the influence it exerts on legal measures, social consciousness, workplace culture and the sexual harassment women actually experience.

The first two chapters provide a general and theoretical background on sexual harassment, while the third gives an introduction to the Western discourse on sexual harassment as seen in the US. The socio-political background of gender hierarchy in Korean society is provided in the fourth chapter, together with its similarities to that of Japan. The last chapter focuses on sexual harassment in Korea and the legal acts enacted in response to it. The discussion will include the influence of Korea's socio-political background on legal measures, employer's responsibility, workplace culture, and the experience of sexual harassment as perceived by both offenders and victims.

¹ For further information, refer to Seungsook Moon's *Nationalism and Construction of Gender in Korea* (1998).

1.1 Methodology

Data for this thesis was compiled through a combination of first-hand interviews and a wide range of secondary sources in both English and Korean. General information on the socio-political background of Korea and Japan was primarily taken from English-language secondary sources, while specific information regarding statistics and the various responses of Korean lawmakers to sexual harassment was taken from Korean-language sources.

These secondary sources were researched during a three-week long period of fieldwork in Seoul, spent mostly at the Ewha Woman's University Central Library. The various Korean-language articles and sources found there were an invaluable addition to understanding the context of sexual harassment in Korea, as this is a topic that receives very little attention from Western scholars. These secondary sources elaborate on the socio-political background and legal acts regarding sexual harassment in Korea, acting as a frame of reference to understand the personal experiences elaborated in the interviews, which in turn strengthen the argument of the thesis by revealing common experiences faced by women in the realities of the Korean labour market. The interviews themselves emphasize the manner in which women experience sexual harassment, as well as their reactions and why many choose not to report it. They are the main contribution of this thesis and were mostly conducted during that same three-week period, although two of them took place later on through the exchange of emails. Taken together, this data is meant to provide a comprehensive understanding of the socio-political background that influences legal acts, social consciousness and the personal experiences of women with regard to sexual harassment in Korea.

Throughout the entire process of working on this thesis, Korean language skills have been invaluable. Indeed, the necessary research of Korean secondary sources would have been utterly impossible without them. Furthermore, although many Koreans speak English, the women interviewed were uncomfortable discussing such a delicate topic in anything other than their native language. The benefits of Korean language ability to this project cannot be stated enough.

1.2 Existing Studies

One of the earliest and most prominent large-scale systematic analyses of sexual harassment was undertaken in 1979 by Catherine MacKinnon, who is today seen as one of the most prominent feminist scholars on sexual harassment. Other renowned scholars on sexual harassment which I have based my study upon include Lin Farley (1978), Louise F. Fitzgerald (1993) and Barbara A. Gutek (1985).

While there are many studies dealing with sexual harassment and gender discrimination in the Western world, there are relatively few that focus on Korea. After the Equal Employment Act of Korea (*Namnyŏ koyong p'yŏngdŭng pŏp*) incorporated sexual harassment in 1999, several general studies on sexual harassment at the workplace emerged from Korean feminist scholars and women's organizations. Prominent among these is Chong-Cha Han and In-Sun Kim's 2001 "*Study of Actual Cases of Sexual Harassment at Work in Relation to the Legal Regulation and Proposals for Legal Improvement*" (*Pŏpchŏk kyuje e ttarŭn chikchang nae sŏnghŭirong ŭi silt'ae mit kaesŏn pangan yŏn'gu*) from the Korean Women's Development Institute (*Han'guk yŏsŏng kaebalwŏn*), as well as Chong-Im Kim's "*Actual Cases and Understanding Sexual Harassment Behaviour*" (*Sŏnghŭirong haengdong ihae wa silche*) from 2000. One of the most recent and prominent Korean works dealing extensively with the legal aspect of sexual harassment and the responsibility of employers is Mi Ae Kuk's 2004 "*Sexual Harassment and Legal Politics*" (*Sŏnghŭirong kwa pŏp ŭi chongch'i*). It compares Korean and US legal politics on sexual harassment, concluding that Korean legal acts on sexual harassment are insufficient and too lax with employers and their responsibility in preventing sexual harassment.

Of those Korean scholars who have researched sexual harassment at the workplace, I mostly refer to Jae Kyung Lee and Kyung-Hee Ma (2002), Ju-Won Han (2006) and Kyong-Ok Hong (2005). Although these studies provide a close examination of certain selected cases, they neither provide an overall insight on sexual harassment as a social problem nor thoroughly discuss the reasons for the prevalence of sexual harassment at the workplace. Furthermore, although there exist several works which deal exclusively with sexual harassment in the Korean

workplace, few studies are available in English. With the current lack of work done in English on sexual harassment in Korean society, the best one can find are general articles or references.²

1.3 Personal Motivation

Bearing in mind the lack of publications in English on women's rights and sexual harassment in Korean society, this thesis is the continuation of *Gendered Employment: The Feminization of Non-regular Employment in Korea*. Completed during a five month trainee program at the Royal Norwegian Embassy in Seoul during the spring of 2008, that report concentrated on the increasing feminization of non-regular employment in Korea and analyzed the disparity between formal rights and the actual situation in the workplace for non-regular workers.

Grounded in a concern for social issues, these papers are based on an interest in gender equality and social politics which developed during several periods of study in Korea. As the world's thirteenth largest economy with a highly educated population, Korea can initially seem very westernized. However, I soon realized that Korea is still a highly conservative society with a strong patriarchal hierarchy and strictly prescribed gender roles. As a Norwegian woman brought up in an egalitarian society that stresses the importance of gender equality, I soon realized that most Korean women did not enjoy the same rights that I took for granted. Consequently, I decided to develop my knowledge on the discrimination of female workers in the Korean labour market through the study of sexual harassment. I chose this focus based on the notion that sexual harassment is one of the most frequent forms of "everyday" gender discrimination in the workplace, while at the same time the one that receives the least attention when compared to other forms of gender discrimination (such as wages, promotions and employment practices). Furthermore, as mentioned above, there are relatively few studies in Western languages on gender issues and sexual harassment in Korea. Through a combination of interviews and secondary literature, I hope I can cast a new light on this often neglected—but important—social problem in Korean society.

² See Dai-Kwon Choi (2004), Un-Jong Pak (2002), Sung-Eun Lee (2004), Sun-Uk Kim (2007) and John Markert (2005).

2. Theoretical Background

Although difficult to provide, it is important to define sexual harassment before one can come to understand it. The legal definition has therefore been presented below—as per the guidelines of the US and EU—together with the three most prominent models explaining sexual harassment. This will be followed by a discussion as to how and whether any of this can be applied to fit the case of Korea.

2.1 Defining Sexual Harassment

From a legal standpoint, sexual harassment can take many forms. As it is not necessarily the act itself but the way it is experienced by the victim which makes it sexual harassment, there can be no single and precise definition for it. In 1980, the US' Equal Employment Opportunity Commission (EEOC) Guideline was the first legal act prohibiting sexual harassment.³ Reflecting feminist demands that sexual harassment ought to be defined subjectively from the viewpoint of the person experiencing it as “unwanted” behaviour—as opposed to the intentions or motives of the perpetrator—EEOC defines sexual harassment as:

Unwelcome sexual advances, request for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(Quid pro Quo)

1. Submission to such a conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by individual is used as a basis for employment decisions affecting such individual, or

(Hostile Environment)

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (Equal Employment Opportunity Guidelines)

³ Not only was US the first country to pass a sex equality law with the Civil Right Act (1964), but it was also the first to pass a legislation against sexual harassment. The European Community/European Union followed in 1974 with a sex equality law and in 1990/2002 with a sexual harassment law (Zippel 2006: 18).

Similarly, the EU's 2002 Directive on Equal Treatment Directive defines harassment as "unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment," further elucidating sexual harassment as "where any form of unwanted verbal, non-verbal or physical conduct of sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment" (EU Directive 2002). Although the US' EEOC Guidelines on sexual harassment were the first legal definition on sexual harassment and became the model for those definitions adopted by other countries (including that of the EU), it took its foundation from the distinction of *quid pro quo* harassment and hostile environment harassment made by feminist theoretician Catherine MacKinnon (Zippel 2006, 51). She defined sexual harassment as "unwanted imposition of sexual requirements in the context of a relationship of unequal power" (MacKinnon 1979, 1). Psychologist Louise Fitzgerald and her colleagues would later develop the influential Sexual Experience Questionnaire which identifies three categories of sexual harassment; (I) Gender harassment, including hostile attitudes or actions that make one gender feel singled-out and uncomfortable; (II) Unwanted sexual attention, including sexual comments about appearance and pressuring someone for dates; and (III) Sexual coercion, either offering favours in exchange for sex or threats for non-compliance with sexual demands (Drasgow, Fitzgerald and Gelfand 1995). Conversely, more recent sociological research in this field links the ideas of individuals about sexual harassment to broader structural relations and cultural systems (e.g. Kalof et al. 2001; Katz et al. 1996; Morgan 1999; Padavic and Orctutt 1997; Roger and Henson 1997; Rospenda, Richman, and Nawyn 1998). As an example of this, Quinn attributes gender differences in interpreting sexual harassment to the acceptance of "normative ideas about women's inscrutability and indirectness and men's role as sexual aggressors" (Quinn 2002, 389).

Ultimately, while definitions of sexual harassment may differ, they most commonly refer to unwelcome and persistent occurrences within the context of an unequal power relationship. Similarly, models attempting to explain why sexual harassment occurs vary as often as the definition of the harassment does.

2.2 Models of Sexual Harassment

Since most studies on sexual harassment offer descriptive models which do not attempt to explain why sexual harassment occurs, the resultant lack of systematic theoretical explanations for why sexual harassment occurs is often seen as one of the greatest weaknesses in the study of this field (Welsh 1999, 176). While the natural biological model assumes that sexual harassment and other forms of sexual expression are just manifestations of natural attraction between two people—and not inherently discriminatory or negative—the three models on sexual harassment most commonly referred to are all grounded in sociological theory.

The *socio-cultural model* addresses the societal context in which sexual harassment occurs, and proposes that sexual harassment reflects the distribution of power and status between the sexes (Tangi, Burth, and Johnson 1982, 52). According to this model, gender and sexuality are tightly connected to power relations and male dominance over females, both economic and political. In this context, sexual harassment is viewed as the manifestation of a larger patriarchal system and as a mechanism for maintaining male dominance over women in work and society (Farely 1978; MacKinnon 1979). Although it does not consider factors such as sex-ratios that may affect a woman's interpretation of a social-sexual encounter, it does emphasize individual factors such as age and marital status and how a woman of low socio-cultural power may be viewed as more available for sexual interaction than other women and therefore experience more sexual harassment (Welsh 1999, 177).

The *sex-role spillover model* focuses on an overlap of shared expectations regarding work roles and sex roles (Gutek and Morash 1982, 58). Gutek argues that sexual harassment at the workplace is a result of the carryover into the workplace of gender-based expectations for behaviour that are irrelevant or inappropriate to work (Gutek and Nivea 1981, 60). According to this model, a high percentage of one gender in an occupation leads to an association of that gender with that occupation and resultant spillover from sex-role expectations to work-role expectations. Furthermore, this spillover has a different consequence for women in female-dominated (traditional) or male-dominated jobs (non-tradition). Since women in male dominated jobs are numerically inferior, the numerically dominant men are likely to view these non-traditionally employed women as women first and work-role occupants second. These women are often aware of this differential perspective and resultant social-sexual behaviour, and are

therefore more likely to report sexual harassment. On the other hand, traditionally feminized jobs tend to take on aspects of the female sex-role (i.e. the expectations about the way a woman should behave in such a work position are linked to the expectations of her behaviour as a woman). As a result, women in traditionally feminized work sectors are more likely to feel that the treatment they receive reflects their job rather than their personal characteristics, and are therefore less likely to perceive sexual harassment as such, because it is “part of the job.” Thus, while women in non-traditional jobs are viewed as women in jobs, women in non-traditional jobs are viewed primarily as women (Gutek and Morash 1982, 63-65). Different from women employed in traditional and non-traditional sectors, women in integrated jobs are more aware of sexual behaviour and experience less sex-role spillover at work (Gutek and Morash 1982, 70). Accordingly, the spillover perspective takes into account factors such as sex-ratio which might affect one's attitude and definition towards a specific action as sexual harassment or not.

Finally, the *organizational model* posits that sexual harassment occurs when people in high positions abuse their power for their own sexual gratification or to intimidate and control their subordinates. Furthermore, it claims that sexual harassment is influenced by other characteristics such as professional contact with the opposite sex, occupational norms, the ratio of males to females on the workplace, job functions, job alternatives and the availability of grievance procedures to employees (Fish 2007, 336). One of the most relevant and empirically supported theories (within the organization model) is Fitzgerald's integrative organization. According to Fitzgerald, the expression of sexual harassment in the workplace is connected with two crucial factors; the organizational climate, which refers to workplaces where sexual harassment is either abetted or where preventive action or punishment is not practiced or the victims are discouraged from reporting harassment; and job gender context which refers to male dominated workplaces where the female minority does not fit traditional gender-role stereotypes (Sigal 2006, 359). Moreover, Gutek's early study also supports the idea of an organizational climate's or culture's influence on the prevalence of sexual harassment, and adds that socializing outside of work where alcohol is served increases the likelihood of sexual harassment (Gutek 1985). Thus, this model predicts that sexual harassment is most likely to occur in traditionally male-dominated workplaces with weak regulations regarding the prevention of sexual harassment.

All three models are grounded in sociological theory and connected to the feminist perspective that unbalanced relations between the sexes and the objectification of the female worker as a sexual object can result in sexual harassment. Furthermore, men are generally seen as the primary offenders who abuse their authority to either intimidate or control women. Overall, sexual harassment reflects the idea of a woman worker not as a worker, but as a woman to be controlled and coerced by the authority of a man or his position of power within the workplace. Although there is no universal model that can fully explain why sexual harassment occurs in any given society or situation (due to distinct cultural, situational and organizational factors and differences), all the models have relevant arguments and will therefore be included in the discussion of the Korean case.

The *socio-cultural model* is relevant as it addresses the social context where sexual harassment occurs, and posits male dominance over women in the social and economical sphere as the main explanation of sexual harassment. It also emphasizes the idea that young (unmarried) women as especially vulnerable to sexual harassment. In a society such as Korea, still heavily influenced by Confucian patriarchal traditions where the majority of sexual harassment victims are women in their early twenties or thirties, the *socio-cultural model* gains much traction. The *organizational model* fits Korea as it is a male-dominated society where the gender hierarchy crosses all aspects of society and approximately 61.9 percent of the female workers are non-regular workers (according to the Korean Nation Statistical Office's statistics of 2005) and sexual harassment is facilitated by gender hierarchies, deference based on age and power relations based on a lack of regular employment opportunities for women. Moreover the imprecise legal standing of sexual harassment⁴ and the low responsibility of employers leads to an organizational climate where sexual harassment is not actively prevented nor even perceived as sexual discrimination. Lastly, as women employed in traditionally female dominated occupations such as nurses, secretaries, and cleaners (at hotel and other establishments) often experience sexual harassment in the form of *sex-role spillover*. While all of the above models contribute to our understanding of how and why sexual harassment occurs, none of them fully covers all of its aspects. Thus, the emphasis will instead be on the socio-political background of Korea, analyzed with the help of all the three models.

⁴ See chapter five for further elaboration.

Although the Korean legislation on sexual harassment is grounded on the US' EEOC guideline (Lee 2004, 11), the definition and actual practice of the law differ greatly. To create a background for the further analysis of the Korean situation, the following section will present a brief historical outline of the gradual awareness of sexual harassment as a social problem in the US, from the beginning of the 1970s onward.

3. The Western Discourse on Sexual Harassment as seen in the US

Going by the legal definition of sexual harassment as unwanted sexual relations imposed by an authority over a subordinate, sexual harassment has been occurring throughout history.⁵ However, it was not until the early 1970s that sexual harassment became a subject for public discourse and the demand to legally define and prohibit it emerged from various feminist scholars and women's organizations.

3.1 The Emergence of Sexual Harassment as a Social Problem

As the first country to legally recognize sexual harassment as gender discrimination, the US today has one of the most sophisticated legal and institutional apparatuses in the world to handle such complaints in the workplace and legal system (Zippel 2006, 42). The relatively early emergence of sexual harassment as a legal problem in the US can be seen in connection to the broader social movement context in the 1960s and 1970s. The 1964 Civil Rights Act and the later establishment of the EEOC to implement and enforce this and other anti-discrimination laws laid the legal foundation and helped second-wave feminists to fight sexual harassment (Zippel 2006, 50-53). Although recent years have seen public criticism of the law, it is still considered as a crucial acknowledgment of sexual harassment as a violation of the individual's

⁵ In the US for example, sexual coercion was an entranced feature of the chattel slavery endured by African-American women, while free women employed in domestic services commonly faced sexual advances by men in the household they worked (Siegel 2004:3). In Korean Kyong Ae Kang's (1907-1943) novel *Human Problems (Ingan munche)*, she tells the story of how a female servant was raped by her landlord. More recently in the 1960-70s, the sexual abuse of female household servants (*singmo*) by the male household master is well documented in the studies of Won Kim. See: The "*The Discourse about the Marginalized Female Workers in the Modern Era: Focusing on Household Servants*" (*Kündae siigi chubyǒnbu yǒsǒng nodong e taehan tamron: shingmo rŭl chongsim ũro*) (2004).

rights, as it recognize sexual harassment as “unwanted sexual behaviour” from the victim’s perspective.

3.2 Early Court Cases

In the early 1970s, when an increasing number of women started to enter traditionally male-dominated fields (such as mining, factory jobs, the police and the military), they often experienced unfair treatment and hostility from their male co-workers and supervisors. Lacking a legal definition and a public awareness on what we now call sexual harassment, these women were met with little if any support as they reported unwanted sexual advances and forcible sexual relations. In most cases, the women workers’ complaints were not taken seriously and they were either transferred to a less desirable position or indirectly or directly pressured to quit the job entirely. As a result of this, most women did not speak out, and either complied with unwanted sexual advances or simply tried to avoid compromising situations altogether. Of those who took it to court, most cases were lost early on as the courts simply refused to acknowledge that sexual harassment had anything to do with employment discrimination bases on sex, and stated it was either a personal matter having nothing to do with work, or a sexual assault that just happened to occur at work (Siegel 2004, 11). Conversely, the plaintiffs—together with their lawyers, advocates and feminist theorists—argued that sexual harassment was sex discrimination because “women are sexually harassed because they are women” (MacKinnon 1979, 191), and referred to it as gender inequality at the workplace and unjust working conditions (Zippel 2006, 44–48). While the early court cases were taking place, a broad and loosely-connected network of both national and local women’s organizations became concerned with sexual harassment.⁶ These women’s organizations identified sexual harassment as a social problem and created both legitimacy for it as a political problem, and a language to make perpetrators of sexual harassment responsible, transforming it from a taboo moral issue into a women’s rights issue (Zippel 2006, 53-56).

⁶ It was in one of these women’s movements that the term sexual harassment was first coined. During a meeting in the Working Women United (founded by forty women in New York in 1975) to brainstorm a term to cover “sexual intimidation,” “sexual coercion” and “sexual exploitation on the job,” the members came up with “sexual harassment” (Zippel 2006, 53-54).

The first case where sexual harassment was recognized as sex discrimination was *Williams v. Saxbe* in 1976, where a woman worker did not get a promised promotion and was reassigned to a post with less responsibility after she had refused her male supervisor's request for a sexual relationship. The judge reasoned sexual harassment as sex discrimination under Title VII of the Civil Rights Act—the gender equality law—on the grounds that it was a discriminatory act towards the woman employee only, and that the male offender therefore had labelled women and men in two different categories of employment and treated them accordingly. After the *Williams v. Saxbe* decision, a number of attorneys challenged lower court decisions, resulting in appellate courts overturning several previous decisions. The plaintiffs were reinstated into their jobs and received financial compensation for lost income, attorney's fees and other expenses. From then on, courts began to recognize *quid pro quo* sexual harassment where a supervisor offered advantages in exchange for sexual favours or threatened disadvantages for failing to comply. Moreover, the employer's duty to investigate sexual harassment and take appropriate action against offenders was recognized at court (Zippel 2006, 48–49). Thus, while the plaintiffs' arguments of sex discrimination in the earliest court cases were dismissed, the recognition of sexual harassment as gender inequality began to take form in the mid seventies. Between the court decisions and the strong engagement of women's organization, media coverage of these cases resulted in an increasing public awareness of sexual harassment.

3.3 The Legal Process

Although sexual harassment had been theoretically illegal since the passage of Title VII of the Civil Rights Act in 1964, a legal definition of sexual harassment did not exist until 1980 when the EEOC Guidelines specifically defined sexual harassment and outlined two broad categories of prohibited behaviour: *quid pro quo* and hostile environment.⁷ The EEOC's distinction of *quid pro quo* harassment and hostile environment was founded on the feminist legal scholar Catherine MacKinnon's definition of sexual harassment in *Sexual Harassment of Working Women* (1979). In the book, MacKinnon argues that sexual harassment is a form of gender discrimination,

⁷ *Quid pro quo* harassment: sexual threats or bribery that are made a condition of employment or used as the basis for employment condition. *Hostile environment* harassment: unwanted behaviour of a sexual nature which inappropriately interferes with the work environment. Also see EEOC Guidelines page above.

declaring that since the civil rights framework is equality-based it would better protect women as members of a group, rather than attempting to reduce the problem to an individual or specific moral one in a criminal law framework (Zippel 2006, 51).

In the US, linking sexual harassment to gender discrimination became crucial for a number of reasons. Firstly, there was no need to convince lawmakers to pass a new law. Secondly, with an already strong notion of equal rights and fair treatment, the linking of sexual harassment to the individual's rights at the workplace was well received both among the public and attorneys. Thirdly, with sexual harassment being recognized as discrimination based on sex, anti-discrimination laws became a tool for promoting the employee's rights and the employer's responsibilities. Finally, adding a provision on sexual harassment to the already enforced legal structures ensured that sexual harassment would be taken seriously (Zippel 2006, 51-52).

After the inclusion of *quid pro quo* harassment and hostile environment in the EEOC, MacKinnon's distinctions were later confirmed and cited in various legal decisions. The 1986 *Meritor v. Vilson* case was the first case where the Supreme Court ruled sexual harassment as "a hostile working environment." Mechelle Vilson lost her job for excessive use of sick leave after her supervisor had repeatedly asked her to have sex with him, something which she had complied with out of fear of losing her job. The Court cited MacKinnon's *quid pro quo* harassment and hostile environment, ruling that the conditions of employment were inappropriate and constituted sexual discrimination (Markert 2005, 135). Despite the affirmation of *quid pro quo* and hostile environment as sexual harassment, many issues still remained unclear, including the extent of the employer's legal liability for sexual harassment in cases they did not know of the harassment or when they had taken action to formulate preventive measures (Markert 2005, 135). These points and others would come to be further clarified during the following years, and the definition of sexual harassment would be extended far beyond its original boundaries. In the 1993 verdict of *Harris v. Forklift* (where a female manager was harassed in sexual and non-sexual ways by the male president of the company), hostile environment went beyond simple *quid pro quo* and therefore three points were clarified:

(I), it distinguished between offensive behaviour of mere utterances of sexual epithet and recurring sexually hostile behaviour aimed at purposely distressing the harassed. (II), it removed

the assumption that physical harm (pressure to compliance) or serious psychological harm (stress in coping with inappropriate sexual behaviour) must be proven, making it easier for the victim to establish a case of harassment. (III), it held that the Title VII in the Civil Rights Act came into play before the sexual conduct leads to a nervous breakdown, requiring companies to be more proactive in dealing with sexual harassment (Markert 2005, 135).

Also, the court formulated a “reasonable person standard,” maintaining that sexual harassment is not dependent on the harm per se, but what any reasonable person construed to be recurring inappropriate sexual conduct in a work environment (Markert 2005, 135). Next, the Supreme Court recognized same-sex sexual harassment in 1998 with the *Oncale v. Sunflower Offshore Service* case, where a male worker on an oil platform in the Gulf of Mexico was harassed by a group of male workers who physically attacked him and threatened to rape him. In line with the 1980s EEOC Guidelines where the employer is held liable for a supervisor's or co-worker's sexual harassment if they know or should have known about it, courts have also tended to hold employers more liable for *quid pro quo* harassment than for *hostile environment*. With the Supreme Court ruling in 1998, the distinction between these two no longer determined the legal responsibility of employers. Later, in *Faragher v. City of Boca Raton* the Court found that the City of Boca Raton did not do enough to disseminate sexual harassment policy, while in the *Burlington Industries v. Ellerth* case the court found the company irresponsible because it failed to ensure adherence to formulated sexual harassment policy (Markert 2005, 136).

Thus, the guidelines of the EEOC on sexual harassment have been supported and advanced by court decisions, ultimately resulting in greater pressure on companies to prevent sexual harassment and provide measures to effectively deal with complaints. In addition, the awareness of what is acceptable sexual behaviour at work increased following the courts' verdicts and resultant legal changes, leading to behaviour changes reflected in attitude. According to Markert, the overwhelming majority of women and men today not only recognize what constitutes *quid pro quo* and hostile environment, but 95 percent of women and men feel these aspects of workplace behaviour are inappropriate (Markert 1999, quoted in Markert 2005, 137). As will be explored below, this percentage and the attitudes it reflects stand in strong contrast to the situation in Korea and Japan.

4. Gender Relations and Hierarchy in Korea and Japan

The socio-political backgrounds of both Japan and Korea are characterized by strong social hierarchies based on age and gender, together with highly gender-segregated labour markets where the majority of female workers are employed in non-regular positions with low job security. This trend first appeared in Korea during its colonization by Japan (1910-1945), and one of the most prominent examples of this is how the first large-scale department stores in *Kyōngsōng* (Seoul under Japanese rule) employed young attractive women as “saleswomen” to attract male costumers (Yōn’gu gongan Suyu, 2005, 82-83). In this context sexual harassment arose as sex-role spillover where the male customers had certain gender role expectations from the saleswomen. Since then, Japan has had a strong influence on the formation of Korea’s social structure and the organization of its labour market, including the modern gender segregated labour market. While the focus in this chapter remains on Korea, the inclusion of Japan reveals parallels between the socio-political backgrounds of both countries and how they have each reacted to sexual harassment.

4.1 The First Court Cases

In the Korean and Japanese social discourse, sexual harassment is commonly regarded as a new social problem.⁸ Although sexual harassment has long been present in the workplace, it was not considered gender discrimination until it was legally defined and prohibited. The first sexual harassment case in Japan took place in the Fukuoka District Court, where in April 1992 the court recognized the employee’s right to work in a non-hostile environment. The plaintiff—a female worker who had worked in a publishing company and was forced to leave after a male editor spread rumours about her private life—won on two claims, that the editor had violated her right

⁸ In Korea sexual harassment is phrased as *Sōnghūirong*, based on the Chinese characters “sex” (性 *sōng*) and “make fun of” or “tease” (戲弄 *hūirong*). The Japanese phrase was coined from English as *sekushurau harasumento* and commonly abbreviated to *sekuhara*.

to privacy and that the company had maintained a hostile working environment.⁹ While the Fukuoka case held that an employee has a right to work in a non-hostile environment, it neither explicitly defined nor explained what an employer must do to facilitate this (Huen 2007, 815-816).

Conversely, sexual harassment was first brought into the Korean public discourse in 1993 when a Seoul National University professor was brought to court for having sexually harassed his female research assistant and later terminating her contract after she refused his advances.¹⁰ Prior to the civil lawsuit, she petitioned the university president to rectify the situation, later posting a notice on the university bulletin board after receiving no response. Upon reading the notice, the student council and female student association started their own investigation and asked the professor to apologize and resign from his position. In response, the professor filed a libel suit against the woman. Women's movement organizations then joined forces with a lawyer's group and several student committees to take action (Shim 2004, 313). With their help, the former research assistant brought the case to civil court and sued the professor for sexually harassing her, the head of the university for neglecting to properly supervise the professor, and finally the state for not ensuring her a safe working environment or preventing sex discrimination, all for a total of 50 million won. After six years and several rounds in trial, the plaintiff won a partial verdict in 1999. In all but the second round in court, the professor's acts were recognized as sexual harassment (*pulpŏp haengwisŏng*, having "acted against the law"), and he was sentenced to pay a compensation of 5 million won to the victim (far less than the original claim).¹¹ However, the responsibility of the state and employer was not recognized (Kuk 2004, 143-146). Despite the long rounds in court and the fact that the plaintiff won only a partial verdict, the judicial precedent was important as it was the first sexual harassment case in Korea and the media attention which followed created awareness about sexual harassment as a social issue. During the long rounds in court, the plaintiff received support from the feminist movement and

⁹ Although Japanese courts had received earlier sexual harassment cases, this was the first in which a court found sexual harassment occurred without a distinct physical component (Huen 2006, 816).

¹⁰ The case is often referred to "research assistant Oh case" (*O chogyo sagŏn*).

¹¹ Equivalent to about \$6,250 in 1993 US Dollars.

various female student associations, and the demand to legally define and turn sexual harassment into a legal matter emerged (Kuk 2003, 80).

Almost two decades after the US, Japan passed its own law against sexual harassment in 1997 with an amendment of the Equal Opportunity Law, or *Danjo kyo kikai kinto ho* (Huen 2007, 812). Korea later followed suit with its own amendment of the Equal Employment Act in 1999.¹² The employer's duty to prevent sexual harassment is stated in the laws of both countries, but due to the lack of concrete guidelines on preventive measures, the level of "gender equality" at the workplace depends on the will of the employer. While the Korean employer is faced with penalties in case of non-compliance, the penalties are miniscule and in and of themselves are not taken seriously by employers. Even worse, a Japanese employer does not face any penalties beyond the Ministry of Labour's ability to publish the names of employers that fail to comply with any advice, guidance, or recommendations given by the Ministry (Huen 2007, 817).

In both the Fukuoka and Research Assistance Oh cases, the court did not define sexual harassment per se. Instead, it was the media attention on the court cases and pressure from women's organizations and the labour movement which eventually led to the creation of a legal definition by the government and a resultant prohibition of sexual harassment. As will be seen below, the lack of concrete measures aimed at the responsibilities of the employer can be seen in the context of the two countries' socio-political backgrounds.

4.2 Statistical Background on Sexual Harassment

With no cross-national survey on sexual harassment and percentages which vary from survey to survey—due to factors such as sample size and diversity, multiple definitions of sexual harassment, and timeframe differences amongst surveys—the actual incident rates are difficult to determine. Due to cultural differences and norms on acceptable sexual behaviours and the fact that sexual harassment is such a subjective personal experience—what one experiences as

¹² Specific Korean legislation on sexual harassment will be further elaborated in chapter five.

sexual harassment might not be viewed as such by others—it is difficult to know the true extent of sexual harassment in any society.

A recent surveys conducted by Ju-Won Han among female white collar workers revealed that 80 percent had experienced sexual harassment at least once at their workplace (Han 2006, 44). In Jae-Kyung Lee and Kyung Hee's Ma survey among 107 females employed in public and 100 employed in private companies in Seoul, 69.2 percent in the public sector had experienced sexual harassment compared to 52.0 percent of those in private sector. In both private and public sectors, the most frequent form of sexual harassment is in the form of sexually related jokes or remarks, figurative comments or evaluations of bodily appearance and requests for "pouring drinks" at after work get-togethers (Lee and Ma 2002, 75-76).¹³ Despite this high percentage of sexual harassment, less than one out of ten of those who experience sexual harassment report the offend. Further emphasizing the low rate of officially reporting sexual harassment, the National Human Rights Commission of Korea (the NHRCK, which handles gender discrimination and harassment cases from public companies,)¹⁴ only 135 cases were received between July 2005 and July 2006, of which only 112 were addressed. Six of these cases resulted in mediation, nine resulted in advising, while the other 97 were rejected or abandoned (NHRCK 2008, 10-16). In the same period, the Ministry of Labour—which handles sexual discrimination and harassment cases in private companies—had 67 sexual harassment cases reported, of which only 27 were recognized as sexual harassment (K'uk'i news, 10.11.2006).

Conversely, a recent survey conducted by the Japanese Dai-Ichi Life Research Institute Inc in 2007 shows that 5.4 percent of female workers "often either see or experience sexual harassment at work," while 31.4 percent "sometimes see or experience sexual harassment at work." According to a report from the Japanese Ministry of Justice in 2001, 74 percent of the women who experience sexual harassment do not report it (Ministry of Justice Japan). Indeed, the occurrence of sexual harassment seems to be lower than in Korea, followed by a higher

¹³ Pouring drinks is one of the social rituals where the hierarchies and relations based on age and gender are manifested in Korea. A woman pouring a drink for a male can be sexualized, and a request by a man to do so can therefore be experienced as sexual harassment.

¹⁴ *Kukga inkwŏn wiwŏnhoe* in Korean.

reporting rate by victims. One possible factor behind this is the fact that complaints are handled on the prefectural level (as opposed to the national level).

For some perspective, a recent survey conducted by Louis Harris in the US reveals 31 percent of surveyed women had experienced sexual harassment at work and 39 percent of them took some kind of action after the offence (sexualharassmentlawfirms). Also, the EEOC received 12,510 cases and processed 11,592 of them during 2007 (Equal Employment Opportunity Commission Statistics). According to statistics from the Ontario Women's Directorate in 2003/2004, 23 percent of women had experienced sexual harassment at their workplace (Ontario Women's Directorate). In the same year it was estimated that 40 percent of Canadian women who suffered sexual harassment at work took some type of formal action (CACSW Fact Sheet 1993). In Northern Europe,¹⁵ it is estimated that 30 to 50 percent of female employees have experienced some form of unwanted sexual attention or harassment (European Commission 1998, 15). Generally, the amount of sexual harassment is lower and the rate of reporting is much higher in North America and Northern European countries than in Korea and Japan.

Ultimately, cultural differences influence the definition of sexual harassment, how the offenders attempt to "justify" their actions, and how the victim reacts. Together with the lack of cross-national surveys, these factors make it a complex task to compare different countries. Bearing in mind the West's socio-political background and its emphasis on individual rights with regard to legal measures and court cases, it can be concluded that this has a positive effect on the awareness of unacceptable sexual behaviour at work, the employer's sense of responsibility in preventing and handling sexual harassment, and whether or not a victim reports an offence. Conversely, the combination of strong patriarchal traditions and the gender-segregated labour markets of Korea and Japan appear to contribute to the low social consciousness on sexual harassment as an acute social problem and a relatively high percentage of sexual harassment.

¹⁵ Northern Europe, i.e. Austria, Belgium, Denmark, Finland, Germany, Ireland, Luxembourg, the Netherlands, Norway, Sweden, and the United Kingdom.

4.3 Women's Social and Economical Position in Korea and Japan

In the last three decades, the social position of women in Japan and Korea has risen together with the increase in their education level and active participation in the labour market. An increase in education and economic participation has not necessarily empowered women, however, as they continue to be marginalized in low-paid and unsecured positions. According to the UN's Development Report from 2008/2009, Korea ranks 26th out of 177 countries on the Human Development Index (HDI), while Japan ranks 8th. While the HDI ranks a country's economical achievements, life expectancy, education, and standard of living, it does not take into account gender disparities. These disparities can be found by comparing the Gender Development Index (GDI) with the HDI, which ranks Korea 99th and Japan 98th out of 156 countries. The Gender Empowerment Measure (GEM), a separate index which ranks countries based on the participation of women in political and economical decisions-making process, ranks Korea 64th out of 93 countries, while Japan comes in at 54th. Furthermore, the ratio of estimated female to male worker earned income is among the lowest of the OECD¹⁶ countries, 0.61 in Korea and 0.69 in Japan (Hankyoreh, 30.06.2008). Looking at these figures it becomes clear that despite the increased participation of women in Japan and Korea's economy, they have not been wholly empowered by the experience.

In Korea especially, the lack of women's empowerment, large gender disparities in the labour market and sexual discrimination and harassment can be seen in connection to the country's patriarchal tradition and the notion of socially expected roles based on gender and occupation, which was reinforced into the labour market during the modernization process.

¹⁶ OECD stands for the "Organisation for Economic Co-operation and Development." The OECD is an international organization that includes thirty countries that accept the principles of representative democracy and a free-market economy. Most OECD members are high-income economies with a high HDI and are generally regarded as developed countries.

4.3.1 The Marginalization of the Female Workforce in Korea and Japan

Today's Korean labour market is highly gender-segregated, with men occupying upper levels of stable employment while women remain in the lower levels of insecure employment with lower wages (Kang and Rowley 2005, 214). With a lower status compared to male workers, female workers in both Korea and Japan are often referred to as "office flowers" (*chikchang nae kkot* in Korean and *shokuba no hana* in Japanese), indicating how it is not necessarily their "actual skills" which qualify them for their jobs. Compared to the rest of the OECD countries, Korea and Japan are both characterized by a relatively low percentage of women actively participating in the economy together with a high percentage of women in non-regular positions (part-time, temporary, contract-based and employed through external agencies). In 2005, the active economic participation rate was 54.8 percent for Korean women and 67.4 percent for Japanese women, ranking the two countries far below the highest participation rate of 84.2 percent, found in Iceland (OECD Employment Outlook Korea 2005). When it comes to working sectors, women in both countries tend to be employed in low-skill and temporary positions in formal and informal subcontracting sectors. In Korea, 61.9 percent of working women were employed as non-regular workers and only 38.2 percent were regular workers (National Statistical Office). In the same year, 29 percent of workers in Japan were non-regular, with two thirds of them being female (OECD Employment Outlook Japan 2005). Although both Japan and Korea have a high number of women employed in non-regular positions, the employment contracts differ between the two nations. While a large part of non-regular workers in Japan in 2001 worked part time (39.4 percent), the percentage in Korea reached only 9.9 percent. However, with 57.8 percent, the majority of Korean non-regular female workers are employed in temporary positions, compared to 20.9 percent of Japanese women (Lee 2004, 29). Both countries have a significantly high percentage of females working at low prestige and part-time or temporary jobs with low job security, while their male counterparts tend to work in regular employment with higher positions and greater job security.

The gender segregation of the labour force and the marginalization of women in low paid and non-regular positions in both Japan and Korea have coincided with state intervention and restructuring of the labour market. Like Korea, the Japanese employment system and family is based on the notion of the family “wage ideal” with the male “breadwinner” and the dependent housewife, something which was deeply influenced by the ideology of “*ryosai kenbo*” signifying women’s role as good wives and wise mothers (Gottfried and Hayashi-Kato 1998, 36).¹⁷ In practice, this pervasive ideology means that a woman’s role as a wife and mother overshadows her role as a worker, creating a distinct M-curve based on age and characterized by a high economic participation rate among those in their twenties and forties and the lowest in the thirties (when women typically get married and have children).

The marginalization of women in low paid, temporary, and low status positions in Japan began as early as the Meiji period (1868-1912) and was further entrenched during the 1950s.¹⁸ From there, the current Japanese employment situation dates back to the aftermath of the oil crisis (1973-1975), when the government turned to women as a flexible solution to rising labour costs (Gottfried and Hayashi-Kato 1998, 28). However, it was not until the 1980s and 1990s when the state for the first time introduced politics co-ordinating family, employment and welfare as an instrument to draw more women into part-time employment—while retaining them as full-time, unpaid caregivers—that increasingly large numbers of women became employed in part-time positions (Gottfried and Hayashi-Kato 1998, 37).

During the state-led industrialization of Korea (1960-1980s), the number of economically active women who were able and willing to work increased from approximately 2.2 million (28.6 percent of the total work force) to 7.3 million (43.5 percent of the total workforce) (Moon 2005, 70). The increasing active employment of women was accompanied by a gender segregation of

¹⁷ First imported from America and Europe in the late nineteenth century, the *ryosai kenbo* ideology came to shape women’s education in Japan and (re)confirm the gender division of labour under a patriarchal system. With its social base among middle class housewives, the ideology asserted the handling of childcare and housework in a modernized nation as the task of the woman, and that by devoting herself to housework and educating the children in an enlightened manner, she would contribute to the prosperity of the nation (Hirota 2005, 1).

¹⁸ In the name of national goals, uneducated and unmarried females from the countryside were marginalized in the textile industry. By 1900, 80 percent of the workers in silk and cotton-thread factories were girls and women from the countryside, often referred to as the *Meiji kōjo*, or Factory girls (Tsurumi 1992, 4-5).

employment sectors inspired by the Meiji government's industrialization project. The Korean government initiated gender segregation in the labour market and marginalized women into low-paid and temporary positions, doing so in three major stages. The first stage was during the early part of the industrialization (1960-1975), when young unmarried women with low education were mobilized as inexpensive and temporary workers in labour intensive manufacturing industries such as textiles, clothing, sewing, tobacco, food and electronics assembly (Moon 2005, 71). In this sector, women were employed in low positions with low wages, while men occupied positions of relatively high status involving supervision, sale and technical skills (Moon 2005, 77). The second stage came with the government's shift in industrial focus from light manufacturing to heavy and chemical industries in 1973, together with an increase of women attending higher education. The overall employment rate of women decreased in the 1980s and was followed by a change in employment sector for women, focusing instead on service and clerical positions (Cho 2002, 54). By the end of the eighties women constituted 64 percent of those employed within the service sector. By the mid-nineties women far outnumbered their male counterparts in these positions (Cho 2002, 53-54). The third and final stage was the Asian Economic Crisis in 1997. The number of female employees was reduced by 8.2 percent during the first year of the Asian economic crisis, compared to 5.3 percent for male workers. In the second year, the percentage increased to 10.8 percent for female workers and 7.8 percent for male workers (Cho 2004, 32). Although the crisis affected both male and female workers, it was the female workers who suffered the most as they became increasingly employed in non-regular positions, which in turn became further feminized in the social consciousness (Shin 2004, 612).

Throughout these times, the state and employers continued to defer to traditional patriarchal values and nationalism, urging female employees to voluntarily leave the workforce in order to support their fathers, brothers and husbands who were in danger of being laid off and suffering from the Asian Economic Crisis. In this way, a patriarchal ideology was utilised to justify the laying-off or downgrading of employment conditions for female workers (Cho 2002, 62). The government's reaction to the Asian Economic Crisis acted as a confirmation of the social hierarchy and segregation, as well as the utilization of gender-roles in both work and

society. Men were seen as breadwinners and workers, while women were primarily seen as women in support of their fathers, brothers or sons. From the beginning of the industrialization in the 1960s on, women were used as cheap and temporary labour in feminized sectors that further emphasized their gender-roles while relegating their work-roles to ones of relative unimportance. Throughout these times, governmental utilization of female sexuality through entertainment and prostitution for political gains has demonstrated a lack of political will to protect women from exploitation and discrimination as well as a reliance on the country's neo-Confucian heritage and resultant social mores regarding the place of women in society.

4.4 Patriarchy and Women's Position in the Korean Society

Socially prescribed gender expectations, a woman's position in contemporary Korean society and gender roles and hierarchies should all be seen in connection to the country's neo-Confucian tradition and the reinforcement of Confucian patriarchy and gender hierarchy in the labour market during the industrialization period. Among the East Asian Countries, Korea is often referred to as the most Confucian country. The adoption of neo-Confucianism during the Chosŏn dynasty (1392-1910) meant an overall change in gender relations and hierarchy.¹⁹ According to the neo-Confucian scholars of the early Chosŏn dynasty, a woman's behaviour during the last part of the Koryŏ dynasty (918-1392) had reached a moral low—women remarrying as well as relationships between men and women outside of marriage were socially accepted practices during the Koryŏ dynasty—and thus the “loose behaviour and morals” of women needed to be strengthened through certain moral codes (Cho 1986, 282). As a result, the status of women weakened while that of men grew much stronger through an increasing number of moral principles prescribing the “accepted” conduct for women, the most prominent being *Samjongjiŭi*

¹⁹ It should be noted here that the strict moral codes and regulation between the sexes were mostly confined to the higher classes (known as *yangban*).

where women must obey her father when young, her husband as a wife, and her eldest son in old age (Lee 1986, 233).

Although the Confucian moral codes have long been replaced by a new set of norms on gender relations and social prescribed expectations to women, patriarchal family structure in the society and a woman's socially expected role as a wife and mother still overshadow her role as a worker. Furthermore, as Elaine H. Kim points out in an article based on the interviews of Korean men with different social status and ages in *Men's Talk* (1998), the notion of biological determinism concerning masculinity and femininity goes hand in hand with the socially constructed definition of "masculine" and "feminine." The men measured "manliness" according to social status "outside" (earning ability especially), while they judged women by their ability to maintain a strong household and take care of the children "inside" (Kim 1998, 75). During a Korean man's mandatory military service, the notion of the "man as the family provider," masculinity, and their perception on women is often strongly influenced. During that time, young men learn that women must be protected (from an enemy), while at the same time as they are there to serve males (i.e. an objectification of women either as sexual objects or chaste wives and mothers) (Moon, forthcoming).

This objectification and utilization of female sexuality to serve the male and the country is clearly manifested in the Korean government's utilization of female sexuality and prostitution for political ends.

4.4.1 Perception on Female's Sexuality and Prostitution in the Korean Society

In discussing women's position and gender discrimination in contemporary Korean society, the government usage of female sexuality to facilitate political ends serves as an important background to understand gender relations and hierarchy in the wider context, as well as the low interest and acknowledgment of sexual harassment as a social problem from the Korean state as well as official and private businesses.

In Korea, governmental utilization of women and their sexuality for political ends has been practiced since the early part of the Koryŏ dynasty (918-1392). The *kisaengs*,²⁰ professional female entertainers who originally came from the lowest social classes were formally trained by the government and served the royal court and male members of the scholar-official class through music, dance, poetry and conversations. With neo-Confucianism becoming the state ideology in the Chosŏn dynasty and “chastity became more precious than life itself,” these women became the most socially stigmatized and morally marginalized group in all of society (Moon 1997, 39-40). The *kisaeng* tradition survived the modernization process through the government’s use of women as entertainers and prostitutes in the name of state-building, national security and economic development (Moon 1997, 41).

Following the colonization of Korea in 1910, the Japanese colonial government legalized prostitution in 1916. Under the US occupation from 1946, licensed prostitution was prohibited; however, it was not until 1961 that prostitution was legally forbidden under the introduction of the Prostitution Prevention Law (*Yullakhaenwi yebangpŏp*) (Moon 1997, 47). Although the law was originally intended to punish both male costumers and pimps in addition to the prostitutes themselves, its actual practice saw males released with mild warnings while the female prostitutes were harshly penalized, sentenced to detention, imprisonment and/or sent to vocational training camps (Moon 1997, 41-42). Despite the law prohibiting prostitution the government set up 104 “special districts” for prostitution in 1962 (later increased to 145 by 1964), 60 percent of which were located near U.S. military bases. These “special districts” were officially rationalized by the government as measures to: (1) minimize negative influence from prostitution on the general citizens, (2) to promote the spirit of collective defence against the exploitation by pimps, and (3) prevent the threat to public health by establishing venereal disease checks (Moon 1997, 42). The Korean government then ignored the unhealthy conditions in these camp towns until the Nixon doctrine in 1969 and the reduction of 20,000 U.S. troops on the Korean peninsula. For fear of the communist North, the government initiated a “Camp town

²⁰ A *kisaeng*’s role and function can be compared to that of the *geisha* of Japan.

Clean-up campaign” (*Kichich'on chŏnghwa saŏp*) (1971-1976)²¹ to lure the U.S. troops to stay. The Korean military prostitutes (*kijich'on*) then became the government’s “civilian ambassadors” who became responsible for improving the U.S.-Korea civil-military relations through “generous entertaining” (*taejŏp*), and “*kisaeng* parties” were held every night for high ranking military generals in order to smooth the relations between the two governments (Moon 1997, 121).²² However, it was not only in U.S.-Korea relations where female sexuality was used to improve political means. The demand for foreign exchange earnings in the export-oriented industrialization resulted in the Tourism Promotion Law²³ (*Kwan'gwang chinhŭng pŏp*), which facilitated the explosion of Japanese sex tourism in the 1970s and 1980s.²⁴ These “modern *kisaengs*” (approximately 40,000 in the late 1970s) were licensed and “trained” by the government through the Korea International Tourism Association’s orientation programs, including lectures on the value of foreign exchange to the Korean economy and how to properly and generously “entertain” (*taejŏp*) foreign “customers” (Moon 1997, 43).

From the 1980s on, a woman's sexuality was also seen as a means to foster productivity among male workers. Instead of being used to attract foreign capital, women were encouraged (whether as “office girls,” prostitutes, or housewives) to increase the effectiveness of Korean men. Female office workers were to stimulate male co-workers to better performance through their supportive manner and good looks, while women working in the sex or entertainment industry were to help working men to “release stress” (Kim 1998, 69). The Korean male workers Kim interviewed in *Men's Talk* did not consider sexual encounters with women in exchange for money as extramarital affairs, but rather referred to it as entertainment. Moreover, they stated

²¹ Including venereal disease testing for the prostitutes, contact identification, prohibiting racial discrimination towards black soldiers, as well as regulating and rebuilding bars and clubs (Moon 1997, 77).

²² The Korean government viewed the prostitutes as “civilian ambassadors” as they would help the government to improve the relations to the US, like the Japanese prostitutes who in a patriotic spirit had sold themselves to the US occupational forces in post-1945 Japan (Moon 1997, 103).

²³ The law was enacted three months prior the Prohibit Prostitution Law in 1961. The fact that the Park government also enacted this prior the Prohibit Prostitution Law draws doubt on the government’s genuine interest in halting prostitution, considering the availability of women in various aspects of tourism, including sexual services, promoted the foreign exchange orientation of the industry.

²⁴ The number of male Japanese tourists, of which 85 percent travelled without wives or girlfriends, increased from 96,531 in 1971 to 217,287 in 1972 and 649,707 in 1979. This resulted in an approximately 700 billion won gain in revenues from prostitution in 1979 alone (Moon 1997, 45).

that a wife should be grateful that her husband is energetic and virile enough to engage in extramarital activities, since energy and virility are equated with economic success. Some men also said they engaged in “extramarital activities” to preserve the family, indicating that the “good wife and wise mother” ideology was not associated with sex (Kim 1998, 80-85).

In recent decades, the sex industry—this time aimed toward Korean men—has increased. According to the first national report on prostitution conducted by the Korean Institute of Criminology (*Hanguk hyöngsajöngch’aek yön’guwön*), the sex industry constituted 4.1 percent of the nation’s GNP and involved 330,000 females as of 2003 (Hankyoreh, 16.02.2003). Thus, although prostitution and selling of sexual favours has been illegal since 1961, the sex industry has since greatly expanded under the patronage of the Korean government. This changed however, starting on the 24th of September 2004 with the enactment of the Special Law on Punishment for Facilitating the Sale of Sex (*Söngmaemae t’ükpyölpöp*)²⁵ which—different from the Prostitution Prevention Law from 1961—sees the female prostitutes as the victims and instead criminalized their pimps. Although the new legislation resulted in the crackdown on the sex-industry, its actual impact on the sex industry and in changing the public perception on female sexuality and prostitution is debatable.²⁶ In reality, the Korean government continued to strategically utilize female sexuality for political ends up until the last decade; facilitating U.S. military camp town prostitution for the sake of improving the U.S. relations in the 1970s, increasing foreign exchange earnings through sex-tourism for Japanese men, increasing the effectiveness of Korean male workers by employing attractive young women in insignificant positions and promoting the cultivation of after-work get-togethers (*hoesik*) which often included alcohol and visits to hostess bars or other types of sexual entertainment.

Accordingly, together with the Confucian heritage—with an inborn gender hierarchy where women are reduced to their biological (mother) and social (wife) functions—the

²⁵ The new law came after the Supreme Court judged the state as liable for compensation for having neglected the illegal sale of sexual services after the 2000 fire in a brothel in Gusan where five prostitutes lost their lives. The women died as they were locked inside their rooms during the night, and the state who had been turning a blind eye to this was ordered to pay part of the compensation to the women’s families (Hankyoreh, 23.09. 2004).

²⁶ As a result of a decrease of prostitution in Korea (as a consequence of the crack down on prostitution after 2004 and raising prices), there is an increasing number of Korean men who go to other Asian countries on sex tours, following the same patterns as the Japanese male tourists in the 1970s and 1980s.

sexualisation and dehumanizing of women through the sex industry has further lowered the status of women in Korean society. Viewing women as sexual objects to be used by men or the state to increase efficiency and attain political ends, or marginalizing them in temporary employment with low pay and status during industrialization can be seen as a result of the society's view of women and gender roles. In this way, the socially prescribed role of the female also inflects upon her work-role, as seen with the sex-role spillover theory of Gutek in chapter two. Consequently, considering Korea's socio-political background where the woman's social expected role ultimately reduces her to either her biological function as a mother (and the sacrificing housewife) or as sexual object (who can stimulate and relieve the working man), her role as a full time worker in the same line as men is not realized. Thus, it is in this socio-political context where gender hierarchy combines with strong male authority that the disparity between written laws protecting female workers and actual practice needs to be understood.

5. Sexual Harassment in the Korean Labour Market

The socio-political background presented in the former chapter serves an important role in examining the gap between the high percentage of sexual harassment and the low reporting rate in Korea. This chapter examines the socio-political influence on legal measures, employer's responsibility, and the victim's experience of sexual harassment and reasons why they choose to report it or not. The chapter further suggests that considering the socio-political context, there is little hope in changing the attitude toward gender discrimination and sexual harassment under current law. Only with a change in the law and a heightened will to enforce it can the public's attitude change, resulting in a more gender-equal labour market and an overall decrease of sexual harassment.

5.1 Legal Protection for Working Women

Since its adaption in 1948, the Korean Constitution has stated that no one shall be subject to discrimination based on gender. Despite this constitutional guarantee of gender equality, legislative gender discrimination has existed in the guise of traditional customs (Kim 2007, 111),²⁷ and it was not until the democratization in the late 1980's that actual legal reform to promote gender equality and women's rights was initiated by the government. The ratification of the Convention of Elimination of All Forms of Discrimination Against Women in 1984²⁸ and enactment of the Equal Employment Act in 1987 can be seen as a response to the demand of these basic rights by women's groups, female workers, scholars, and international organizations throughout the 1980s (Jones 2006, 126).

The first and most important law that aimed to promote female employment and the protection of female worker's rights was the aforementioned Equal Employment Act, establishing a prohibition of gender discrimination in recruitment and employment. After its enactment, the Equal Employment Act has been revised several times. The first revision in 1989 included the specification of equal pay for equal work, equal treatment in recruitment, hiring, training, and promotion and the recognition of (unpaid) childcare leave for up to one year. Since then it has also come to include a male workers' right to request childcare leave instead of their wives, encouraged private companies to establish childcare facilities and prevent sexual harassment in the workplace while defining indirect sexual discrimination and increasing maternity leave from 60 to 90 days with one month paid leave (Moon 2000, 7).

Although the Equal Employment Act has been an important factor and contributed to women's awareness of their own rights, after five revisions it has only had limited effect in

²⁷ One example of this is the *Hojuje* (family-headship system). Until it was abolished the 1st of January 2008, the Civil Law identifies the man as the *hoju* (head of the family) and gave him legal rights as the head of the household beyond those of the woman. The *hojuje* institutionalized the legal order of succession of family headship as passed down a line of first son, as well as men's dominance over women in terms of marriage, family structure, kinship and inheritance rights.

²⁸ The Convention on the Elimination of All Forms of Discrimination against Women was enacted in 1979 by the UN General Assembly. It is commonly described as an international bill of rights for women, which defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

practice and gender discrimination is still highly visible throughout the labour market. Indeed, the Equal Employment Act has only provided female workers with formal protection and has failed to provide them with either job security or equal employment opportunities in the labour market (Kim 2005, 195).

5.2 Legal Acts on Sexual Harassment

As mentioned in chapter four, it was not until the sexual harassment civil lawsuit against a Seoul National University professor by his female research assistant in 1993 that sexual harassment was brought to public discourse, after which the demand to legally define and prohibit it emerged from various women's organizations and the labour movement. Their push for an inclusion of a decree against sexual harassment in the second revision of the Equal Employment Act in 1995 failed, however, as the Ministry of Labour and business associations showed unwillingness to legally define sexual harassment and thereby prohibit it, stating that sexual harassment was an action difficult to judge or define (Kuk 2003:80). Although that attempt failed, a provision on sexual harassment was incorporated in the enactment of the Framework of Development Act for Women's Development (*Yŏsŏng palchŏn kibonpŏp*, hereafter Women's Development Act) on the 30th of December 1995. It stated that "the state, the local government or the employer shall take appropriate measures to foster a working environment for equal performance, including the prevention of sexual harassment" (Article 17, Section 3, Women's Development Act, quoted in Choi 2004, 88). Yet it was not until the third revision of the Equal Employment Act on February 8th of 1999 that sexual harassment was legally defined and prohibited. Sexual harassment was also included in the enactment of Gender Discrimination Prevention and Relief Act (*Namnyŏch'apyŏl kŭmchi mit kuje kwanhan pŏp*, hereafter Sex Discrimination Act), enacted at the same time (Kuk 2003, 80).

Together with the revision of the Equal Employment Act, the enactment of the Sexual Discrimination Act served as significant legislation against gender discrimination in the labour

market as it turned sexual harassment into a legal matter and imposed the employer with the duty to provide education to prevent sexual harassment at the workplace in addition to punishing the harasser (Han and Kim 2001, 3). Different from the Equal Employment Act—which only applies to workplaces where the Labour Standard Act (*Kŭllo kijunpŏp*) applies (any business or workplace with more than five regular workers) and prohibits sexual discrimination in recruitment and hiring—the Sex Discrimination Act prohibits sexual discrimination as a whole; not only in employment, but also in education, the supply and use of goods, facilities, services, and the implementation of laws and politics (Pak 2002, 169). Although the Sex Discrimination Act covers a broader scope, a business owner or employer is not directly subjected to legal sanction under the act, only to recommendations for appropriate measures to be taken upon determining the existence of sexual harassment (Pak 2002, 169). The Sex Discrimination Act was abolished the 29th of December 2005 as the Ministry of Gender Equality was changed to Ministry of Gender Equality and Family. At that time, the Sex Discrimination Act’s definition of sexual harassment was incorporated in an amended version of the National Human Right’s Commission Act (hereafter NHRCK Act) established on the 29th of July 2005, defining sexual harassment as:

“a sexually-suggestive comment or act made by employers or employees of public institutions that causes the sense of sexually-related humiliation or degradation in business, employment or other relations in or outside the workplace; or sexual conduct initiated by supervisory employers or employees of public institutions that results in disadvantage in employment or business by reasons of refusal to respond to such sexually-suggestive language, act or demand” (NHRCK Act, Article 2, Section 5) (NHRCK Act).

At the same time, the functions of investigation and remedy of sexual harassment and gender discrimination were transferred from the Ministry to the NHRCK,²⁹ while the clauses on

²⁹ The NHRCK was established in 2000 and handled two cases of sexual harassment before it was given the responsibility from the Ministry in 2005, and handled 164 cases up until 2007 (NHRCK 2008, 10).

prohibiting, preventive education, and prevention management in public companies and institutions were transferred to the Woman's Development Act, and are currently under the responsibilities of the Ministry of Gender Equality and Family (Kim 2007, 120; NHRCK 2008, 4).

While its responsibility of preventing sexual harassment and handling complaints from public companies are now shared with the NHRCK, the Ministry of Labour has been responsible for preventing sexual harassment education and handling sexual harassment complaints from private companies and institutions since the amendment of the Equal Employment Act in August of 1999 (NHRCK 2008, 4). Under the Equal Employment Law, sexual harassment is defined as:

“situations where an employer, a senior, or a worker makes other worker feel sexually humiliated or offended by using sexually charged behaviour or language using their high status at work or in relation to work, or give disadvantages in the employment on account of no-response to sexual gesture or other requests”
(Equal Employment Act, Article 2, Section 2) (Equal Employment Act).

It further states that Employers and employees shall not engage in sexual harassment at work (Article 12), and an employer in violation should be fined no more than 10 million won (Article 39, Section 1, Penalty for Negligence). In order to prevent sexual harassment, employers should offer education to prevent sexual harassment and create a safe working environment for its workers (Article 13, Section 1), with violators being fined up to 3 million won (Article 39, Section 3 (1), Penalty for Negligence). However, employers may entrust the sexual harassment prevention education to those institutions designated by the Ministry of Labour (Article 13, Section 2). Employers should also act immediately upon finding sexual harassment at work (Article 14, Section 1), or else face fines up to five million won (Article 39, Section 2). Furthermore, employers should guarantee that a worker who complains of sexual harassment does not face recrimination (Article 14, Section 2). Neither should employers attempt to silence

workers who have been sexually harassed at work through intimidation (Article 14, Section 3), or else face imprisonment of up to three years and fines of up to 20 million won (Article 37, Section 3) (Equal Employment Act).

Until the amendment of the Equal Employment Act on the 21st of December 2007, it stated that sexual harassment is an act which is confined to the workplace and where the harasser is recognized as the employer or co-worker. This changed with the 2007 amendment when the scope of the offender was widened to also include “clients or others in relation to the workplace” (NHRCK 2008, 63).

“In case the client etc, anyone who has close relation to the duty in the process of performing the duty, makes the worker feel sexual humiliation through the sexual loaded speech or behaviour, and it results in the worker requests for relief of mental suffering, the employer has to try to change the working place, restructure or take any other possible measures” (Article 14. section 2) (Equal Employment Act, quoted in NHRCK 2008: 63-64).

With the “entertainment of guest” (*taejŏp*) culture in Korea, it is crucial to include “clients and others related to the workplace” into the category of sexual harassment offenders. Women workers—commonly young women in low positions in the company—are often requested from the employer or boss to “entertain the client.” Although these instructions can be limited to joining the client for lunch or dinner, it can also include going to the movies or even occasional requests for sexual favours. An example of this is a woman secretary who was instructed by her boss to eat dinner and go to a movie with a Japanese business associate (SBS, 03.09.2004). These situations must be considered sexual discrimination because the female worker is not treated in the same line as her male counterparts. Despite the inclusion of “clients and others who are in close relation to the performance of duty” into the act, concrete responsibilities of the employer in case of sexual harassment from someone who is indirectly employed at or linked to the company are missing. Also, the Act still stresses sexual harassment

as an action that occurs at the workplace and does not include sexual harassment committed at state, regional, and public institutes or schools (NHRCK 2008, 67).

Accordingly, not only the scope of sexual harassment but also the complete lack of concrete measures to prevent or deal with it makes the Equal Employment Act inadequate. It neither provides a support structure or mechanism to report sexual harassment nor adequate prevention in the form of preventive education or penalties. Different from the US EEOC Guideline, the Equal Employment Act focuses more on actions as such, while the EEOC Guideline focus is more subjective and takes the context of the action into account. There are also importance differences between the two when it comes to the enforcement of preventive policies: while a Korean employer can claim to have performed his or her “sexual harassment prevention” duty by providing an annual lecture, the simple existence of a formal preventive policy is not recognized as adequate in the US. In addition to proving that any preventive policies were effective and actively carried out, the employer in the US must also show that they were followed by active measures to protect the victim upon the report of sexual harassment at the workplace (Kuk 2003, 86-87). This disparity between the two countries emphasizes the low importance of an employer responsibility in Korea, something that results in clearly half-hearted attempts at compliance with government “regulations.”

5.3 The Disparity between Law and Practice in the Workplace; seen through Preventive Education and the Employer’s Responsibility

While the Equal Employment Act requires an employer to provide sexual harassment prevention education at the workplace once a year, it does not mention the length of the education or give any specific guidelines. Consequently, the employer can easily have a short briefing on sexual harassment or show a 20 minute long preventive education video,³⁰ and argue that they

³⁰ The two Education Videos on sexual harassment from the Ministry are each only 20 minutes long. In the pretext of not having enough time to show both the employer can easily show only the first tape and claim to have fulfilled the obligations of the law (Kuk 2003, 80).

performed their duty (Kuk 2003, 80). However, with sexual harassment and discrimination being deeply rooted in the socio-political background, one short “lecture” a year does nothing to raise the awareness or change the perception and attitudes concerning this. In addition, preventive education can easily become too formal and often does not sufficiently relate to everyday situations and routines in the workplace (Kim 2007, 46).³¹ If it is given by someone in the company, that person most likely is someone who has not received any professional training or instructions on sexual harassment and is therefore not sufficiently qualified.³² Knowing that the lecturer does not have any professional background, the other employees do not necessarily take the content seriously. This is further compounded when the “lecturer” is someone the other employees have a personal friendship or relationship with. Also, some companies might even give out wrong information due to lack of proper knowledge, resulting in preventive education that is more counterproductive than the empty formality of the other examples (Kim 2007, 47).

Since the creation of a gender equal working environment and the carrying out of preventing sexual discrimination policy is the employer’s responsibility, the actual level of gender equality—including “tolerance” of gender discriminative conduct and sexual harassment in the workplace—is closely linked to the employer’s performance of preventive education and the attitude the employer gives to the employees (Kuk 2003, 73). According to Chong-Cha Han and Im-Sun Kim’s 2001 study of workers’ knowledge of the Equal Employment Act and the Sexual Discrimination Act, 57.2 percent replied that they “did not really know the content of the two acts concerning sexual harassment” after they received sexual harassment preventive education at their workplace, and 24.6 percent replied that they had “no idea about the law.” On the question of the workers’ understanding of actions which can prevent sexual harassment, 60.6 percent replied that they “did not really know,” while 30.0 percent replied that they again “had no idea” (Han and Kim 2001, 59-60). Kyong Ok Hong’s 2005 study on workers’ knowledge of

³¹ As an example of the inefficacy of the preventive education; many companies gather all the workers together in a big conference room at the end of the day—when no one is focused or interested—for a ten minute speech on sexual harassment. Other companies simply give out flyers on sexual harassment.

³² Although the NHRCK, the Ministry of Gender Equality and Family, and other non-governmental organizations provide gender equality educators to inform/educate on sexual harassment, these services are used by only a minority of companies.

the acts concerning sexual harassment and the effect of preventive education supports the generally low awareness of the acts and the effects of preventive education, with 69.6 percent of the respondents replying that they were not familiar with the two acts, while 46.4 percent replied that they had not received any preventive education at all (Hong 2005, 38).

Although the Equal Employment Act states that an employer who does not perform his or her duty to provide preventive education once a year has to pay a fine of 3 million won for negligence, it is clearly not enough incentive for employers to take sexual harassment seriously, let alone properly comply with their lawful duties regarding its prevention. The government's capacity to check if employers perform their duty is also very limited,³³ further reducing the recognition of sexual harassment as a serious problem in the workplace by employers. In addition to this, the idea that sexual harassment is a personal problem between two people—things which can occur when men and women work together and the woman acts too sensitive when a male worker shows interest in her, should be quietly solved between the two of them—results in passive employers who neither take responsibility for preventing incidents through preventive education nor take any responsibility in solving the situation through punishing harassers or creating gender-equal working environments (Kuk 2003, 75).

The first case where the employer's responsibility was partially confirmed was the Lotte Hotel case, where 40 female non-regular employees in 2000 sued the Lotte company, the company's president, and the offending executive for regular sexual harassment of the female workers. Two years later the Seoul court gave partial compensation to 19 of the plaintiffs,³⁴ while the complaints of the other 21 were dismissed (Kuk 2004, 147). Although being the first case where the employer's responsibility to prevent sexual harassment was recognized, the fact that all of the involved female workers either left the company “voluntarily” or were forced to

³³ Each year the Ministry of Labour—which is responsible for checking private companies' performance of preventive education—visits companies in order to inform them of their duty to provide preventive education to the employees, and returns to only some of these companies the next year to check if they performed their duty or not. In 2001, 7,939 companies with 50-90 employees were ordered to provide preventive education. The following year, the Ministry returned to check 213 of the companies. Of these 21.6 percent had not performed their duty (Kim 2007, 49).

³⁴ The female workers sued the company and the offender for 2 billion won, but only received 1-3 million won each (Kuk 2004, 147).

leave with the termination of their working contracts³⁵ makes this case a good example of the lack of job security for women (especially victims of sexual harassment) and the need to increase the employers' responsibility. Accordingly, it should not only be the employer's responsibility to offer preventive education and thereby create a working environment free from sexual harassment, but job security for workers who complain of sexual harassment must be guaranteed. This is not the case, however, and that lack of job security or respect for women as workers (rather than simple sexual objects or wives and mothers) further illustrates the social hierarchy of Korea.

5.4 Discussing the Socio-Political Context and Legal Acts' Influence on Women's Experience of Sexual Harassment

Backed up by data from NHRCK and other surveys, a series of first-person interviews³⁶ will further elaborate some of the major factors supporting the rigid patriarchal nature of the Korean labour market. These factors combine to make women vulnerable to sexual harassment while at the same time preventing them from reporting the offence.

5.4.1 Sexual Harassment as a Reflection of the Gendered Workplace Hierarchy

In sexual harassment cases reported to the NHRCK, the harasser is most often (93% of the time) a superior in highly-placed company position, while 97.4 percent of victims are women (NHRCK 2008, 22). This over-representation of sexual harassment of female workers by male

³⁵ When the company renewed the working contracts of 22 of its employees, 4 of the 5 who did not get their contracts renewed were the female workers who had filed the sexual harassment complaint. The other workers were (indirectly) forced to leave the workplace as they were either forced to work together with the harasser, or subjected to unfair treatment—discriminatory comments and treatment from the male colleagues to the harasser—without the company reacting or in any way protecting the female workers (Kuk 2003, 77).

³⁶ Refer to the Appendix for more information about the first-person interviews.

superiors is well documented. Of the three women I interviewed who had experienced sexual harassment, all were in their late twenties or early thirties and were harassed by their male bosses. Moreover, 34.4 percent of all cases judged by the NHRCK had victims who were young women in their 20s. With a lack of working experience combined with employment in low positions in the company, these women become an easy target for harassment. Female workers in their 30s (25.8 percent) and 40-50s (16.6 percent) are also affected. A large majority of them are working in non-regular positions with low job security that leaves them vulnerable to discrimination by regularly employed men of greater status (NHRCK 2008, 26). In this way, the lack of gender equality combined with Korea's age hierarchy in the workplace results in a gender power relationship with male dominating and having power over female workers. Furthermore, as the majority of the offenders enjoy positions of status in the company, the female worker's employment at the company—including contract renewals, promotions and the general working environment—is at the mercy of the offender and will be threatened—indirectly or directly—if they report the sexual harassment (NHRCK 2008, 23).

Taking into account socio-political factors such as a woman's marginalized position in the labour market and the objectification of women's sexuality, the prevalence of sexual harassment by a male senior can be seen as a reflection of gendered power and hierarchy in the workplace. Both the socio-cultural and organization models can be used here as important tools in discussing sexual harassment as a manifestation of gendered power in the labour market, where a male in a superior position uses his authority over a woman in an inferior position. Moreover, in addition to the low social consciousness on sexual harassment as a social problem and the lack of sufficient protection by the law in an organizational climate where gender discrimination or sexual harassment is not considered a serious problem, a female subordinate who reports sexual harassment will often suffer from disadvantageous treatment at the workplace or be indirectly forced to quit, weakening her position even further.³⁷ Especially in the case of small companies where offenders tend to be the employer, the victim often avoids reporting

³⁷ Indirectly forced to leave refers to the fear of having to continue to work together with the offender, worsening of working environment, missing promotions, being given less relevant tasks, being frozen out by their co-workers, and having one's contract terminated (in the case of temporary workers).

offences for fear of having to quit the company, or only report it after they have left the workplace (as in Interview A). Interviewee D³⁸ supports this, as she works in a small sized company with 15-20 employees lacks any preventive education system and because the offender was her employer, reporting his actions would have resulted in the termination of her employment:

“It was a great psychological burden for me. However, I did not report it. Not only do we not receive any preventive education or have any regulations to handle these incidents at my company, since the offender was my employer I would have to resign. [...] At that time I was considering resigning, but I choose to continue in the company for the sake of my career. [...] I decided to win over the embarrassment I felt whenever I bumped into him and chose to concentrate on my own career” (Interview D).

Furthermore, the fear of being excluded by their co-workers and judged by their friends and family seems to be one of the main reasons why victims decide not to report incidents. Each time the woman of Interview D was sexually harassed by her employer, she had no evidence or witnesses who could back her up, and because the offender was her employer she did not believe any of her colleagues would support her if she reported it:

“One time I tried to tell my male colleague what happened [not saying that it was her and speaking indirectly], my male colleague replied that he believed that these things were often provoked by the females themselves or that they were too sensitive.”

³⁸ Interviewee D works as a regular worker in a small-sized private company with 15-20 employees. She has repeatedly experienced sexual harassment from her male employer over the course of three years, most recently in August of 2008. The interview is based on her experience of these incidents, none of which she has reported.

Because of this, she did not tell anyone that she had been sexually harassed by her boss, afraid that none of her colleagues would ever support her against the employer. According to Interviewee A,³⁹ common responses from women included similar thoughts of isolation and the fear of ostracism by co-workers often lead victims of sexual harassment to not report it unless it is a particularly serious offense such as rape or physical violence (Interview A). A cross-national survey among women conducted by the Ministry of Gender Equality and Family in 2007 support this statement. According to the survey sexual harassment was the least police reported offense among women at 1.1 percent, followed by dirty/sex telephone calls and rape within marriage at 1.6 percent, flashing at 4.3 percent, stalking at 6.8 percent, light and serious assault at 4.7 and 5.3 percent, and attempted rape at 7.1 percent (Medicaltoday, 30.05.2008). The woman of Interview E⁴⁰ replied that even if she felt the employer's conduct was not acceptable and far beyond a business relationship, she did not even consider reporting the incident because she did not think anyone would take it seriously despite her feelings of humiliation and disgrace as a woman. She also added that she had heard of her other female colleagues having experienced similar incidents and not reporting it, further convincing her that the employer's conduct was something she had to overlook. Although the women of both interviews (D and E) had no belief that the law would help them since they had no actual proof (witnesses, photos, or other records), the belief that it would damage their career together with the fear of being socially stigmatized were the main reasons behind their decisions to keep quiet.

The woman of Interview C⁴¹ who reported her own sexual harassment did so only after she had already quit her job due to it. She stated that the reason why she reported it was that she knew there were six other women working there who had also experienced sexual harassment from the department chief; she wanted him punished in order to prevent further incidents.

³⁹ Interviewee A is a woman working in Korea Sexual Violence Relief Center (*Han'guk Yŏsŏng P'onnyŏk Sangdamso*) (KSVRC), counselling women who have been sexually harassed or have otherwise experienced sexual violence. The interview is based on her experiences with victims of sexual harassment.

⁴⁰ Interviewee E works in a private company with approximately 100 employees and was sexually harassed by her employer. The interview is based on her experience, which she has not reported.

⁴¹ Interviewee C has been working as a non-regular teacher at a private teaching institute. She was sexually harassed by her male boss over the course of a year and a half until she reported him to the NHRCK, who found him guilty and recommended "gender equality education." The interview is based on her experience of harassment and reporting it in the face of her harasser's denials.

However, when she notified him that she would report his actions to the NHRCK and the owner of the business, he repeatedly tried to convince her not to, claiming it would tarnish their good image, adding that the employer himself would punish the department chief if he found him guilty in sexual harassment. Although she had no actual proof of the harassment, the NHRCK relied on testimony from other employees⁴² and found the manager liable for sexually harassing her, advising him to receive “schooling on sexual harassment.” However, since the NHRCK’s judgements are not legally enforced, a verdict from the organization cannot force compliance by anyone. The offender of Interviewee C neither complied with this advice nor has shown any inclination of ever doing so.

Of the three interviewed victims of sexual harassment, the common thread was the lack of any actual consequences for offenders, resulting in a feeling that there was no solution but to quietly endure and suffer. Due to the hierarchical nature of Korean society and the male dominance in the labour market, women have neither the support nor the wherewithal to report harassment due to the lack of social awareness and government concern for sexual harassment as a problem.

5.4.2 The Influence from the Masculine Workplace Culture

In Korea, where business is organized with an absolute majority of men and is firmly rooted in neo-Confucian patriarchal values, the working culture easily becomes male-oriented and confirms the gender-segregated working status culture (Rowlet 2005, 218). Furthermore, the majority of workplaces are characterized by its male characteristics (*uri namja kkiri*) with informal and masculinized groups centred on educational, regional and military service backgrounds where after-work socializing and alcohol play an important part. In this masculine

⁴² Two out of three co-workers supported her saying that they had heard her complain over the manager, including a testimony from her female colleague that some other women had been sexually harassed by the manager.

working culture a female worker is often perceived as a woman first and a worker second, something which often becomes explicit in after-work get-togethers.

Although women also experience discrimination at the workplace, in after-work socializing at restaurants and bars the gender discrimination and gender role expectation become even more obvious. In addition to visiting bars and restaurants, visits to places that provides sexualized entertainment or service is a common feature of the Korean after-work get-together culture. Although the practice differs in some workplaces, the female and male workers usually go together to the first round—normally a restaurant where they have dinner and alcohol—while the males continues alone to the second round where they might go to a place that provides sexualized entertainment. Most of the places where sexualized entertainment and services are provided are closed to “women guests,” although female co-workers are sometimes forced to accompany their male colleagues to these places. According to Interviewee B,⁴³ men are influenced by visits to such places where the objectification of female’s sexuality through sexual entertainment and prostitution influences the perception men have of women in general and female co-workers in particular. In an informal setting outside of the workplace, the male workers can “forget” that the woman is an employee or co-worker, and expect her to act like a “female entertainer” and serve alcohol and food to her male superiors. In these settings, the distinction between the female workers and the “female entertainers” become increasingly blurred, resulting in the expectation that female co-workers can be touched and asked to entertain the men as any other “female entertainer” can be. This can lead to conflicts between the female and male workers, although the women themselves are often so accustomed to the situation as long as the male does not go too far that they do not react, and in some cases find it “funny” when other female colleagues gets treated this way (Interview A). Furthermore, even if sexually-related jokes or comments can offend women present, these are often considered as simple humorous remarks to cheer up the mood among the colleagues. Because of this, women are

⁴³ Interviewee B works at KSVRC as a counsellor for victims of sexual violence and as a harassment educator and “gender equality educator” (*yangsŏng p’yŏngdŭng chŏnmun kangsa*) for men who have sexually harassed or committed sexual violence against women. The interview is based on her experiences working as a counsellor for women who experience sexual harassment and as a “gender equality educator.”

reluctant to report or comment it as it is seen as “innocent remarks” which are better to be ignored (Interview B).

In 50.5 percent of the cases handed at NHRCK, sexual harassment happened in the process of work at the workplace, 5.4 percent on business trips, while 21.0 percent occurred at after work get-together (NHRCK 2008: 13).⁴⁴ This confirms that sexual harassment is something which can be found in all aspects of work, be it at the workplace, on business trips, during out-of-office meetings, and at after-work get-togethers. Tightly connected to gender role expectations, sexual harassment is therefore relegated to an almost non-issue in the uneven power relations between men and women in Korean society. As mentioned in chapter two, the combination of after-work socialization and alcohol in an organizational culture where sexual harassment or discrimination is abetted greatly increases the possibility of sexual harassment. Furthermore, although “having to serve drinks to men” is barely recognized as sexual harassment by the court, it is often experienced as sexual discrimination and harassment by the women themselves (NHRCK 2008, 23).⁴⁵

After-work socializing and expected habits of men toward women workers in these settings can be exemplified by the experiences of the woman of Interview D, who on four occasions was sexually harassed by her employer in out of office settings. One time outside of the office, two times after informal after-work get-togethers, and one time during a business trip. After the second incident she tried to avoid socializing with the co-workers altogether, saying that she did not feel well or left early. However, the social pressures to participate and the important opportunities for personal and professional advancement and networking they provide are strong and it is impossible to altogether avoid participating (Interview D). This fear and the social pressures to participate regardless can be seen as symptomatic of the lack of job security faced by women in Korea.

⁴⁴ The remaining places were schools (5.9 percent), organizations (2.6 percent), “private occasions” (8.0 percent), and other unspecified places (6.6 percent) (NHRCK 2008, 13).

⁴⁵ Although there have been a few cases where “being forced to serve drinks” has been recognized by courts, it is mostly not seen as sexual harassment. For example refer to Ohmynews, 16.08.2004.

5.4.3 Female Workers' Low job Security and Sexual Harassment

With approximately 60.1 percent of the female workforce employed in non-regular positions with low or no job security and the remaining female workers suffering from low employment security (through fear of unfavourable treatment, being overlooked for assignments, missing promotions, and being frozen out by their colleagues), the low reporting of sexual harassment can be seen as a result of the fear for economic reprisal. According to a survey by the Korean Labour and Society Institute (*Han'guk nodongsahoe yŏn'guwŏn*), out of 1,434 female non-regular workers in 22 distribution stores, 22.9 percent of the non-regular female workers working in department stores and supermarkets and 39 percent of the women in discount stores stated that they “endured sexual harassment in order to be able to renew their employment contract” (Yonhapnews, 14.04.2008). This survey clearly shows how the lack of job security in non-regular positions strongly influences a victim's reluctance to report incidents for fear of losing one's employment.

The interviews also support the lack of job security as one of the main reasons for the high percentage of sexual harassment and the low rate of reported cases, emphasizing the low positions and lack of job security for women in the workplace. For instance, Interviewee B stated that because most women occupy unsecured positions characterized by simple requirements and high turnover rates, they fear jeopardizing their position by reporting or commenting upon sexual harassment. Also, as mentioned in chapter four, because of their low position and status they are often looked upon as the “flower at the workplace” in such a position, making it difficult for them to let their voice be heard. As a result, it is easy for male colleagues and employers to take advantage of this and discriminate through sexual harassment (Interview B).

Highly-publicized cases (such as the Seoul National University case and the Lotte Hotel case) also show this trend, as the victims in each were non-regular workers who faced unfavourable responses to their complaints that directly or indirectly resulted in the termination of their working contracts. Even though the plaintiff in the Seoul National University case won her court battle, she still failed to regain employment as the university president insisted that the

motivation behind her sexual harassment lawsuit was her resentment toward the professor for not renewing her contract (Ohmynews, 24.10.2002). Similarly, the plaintiffs of the Lotte Hotel case were all forced out of employment with the hotel (directly or indirectly), even those whose complaints were upheld by favourable court rulings (Kuk 2004, 147).

The rigidly-structured patriarchal nature of Korea's labour market (and resultant relegation of women to positions lacking job security and importance) not only makes female workers particularly vulnerable to sexual harassment, but is also inherently unfriendly to the report of abuse and harassment. This not only results in a disproportionate lack of reported harassment compared to actual instances, but also psychological damage resulting from the vicious cycle of sexual harassment being accepted because the alternative is unemployment and ostracism for being too sensitive, which itself further reinforces the public perception that it is not a problem.

5.4.4 After Sexual Harassment: Psychological Damage amid the Status *Quo*

In a masculine workplace culture where sexual harassment is often perceived as “innocent comments” or “mistakes” acted out under the influence of alcohol, someone who complains or presents a formal report of the incident is often regarded as too sensitive and gets treated as the “troublemaker” and source of the problem rather than the victim (Interview A). Even when receiving reprimands, “gender equal education” or having to pay (typically small) economic compensation to the victim, there is no appreciable influence on the thought processes of offending men with regard to the offence itself or even their attitude towards women (Interview B). In this way, it is often the victim and not the offender who receives unfavourable treatment at the workplace and suffers from psychological damages.

Of the three interviewed victims of sexual harassment, the experiences led to stress and psychological burdens regardless of whether they reported it or not. The woman of Interview D stated that because she faced regular sexual harassment from her employer, she was always afraid of new incidents and this caused great psychological stress and anxiety. Furthermore, she

stated that she felt discriminated against as a woman, which in turn affected her everyday well-being and feeling of security (or lack thereof) at the workplace. Similarly, the woman of Interview C stated that although she had reported the incident and no longer worked together with the offender, she could not forget about it and the anxiety caused by the repeatedly harassment followed her to her next workplace. In essence, having happened one or more times, sexual harassment results in continued anxiety due to the fear and expectation of additional incidents.

Thus, taking into account the psychical burdens directly caused by the sexual harassment itself but also indirectly so (having to face the offender every day not knowing “if or when he will do something again,” changing workplaces while dreading similar situations or fearing for negative influences on one's career related to how one handles the harassment), victims will always remember instances of sexual harassment and therefore are not necessarily free her from the impact of the experience even after it ends. Consequently, because sexual harassment in itself inflict enormous psychological injuries on the victim, the victim can never return to the mental and emotional “state” before the harassment, even if the case of sexual harassment is recognized by courts or at the workplace (Kuk 2003, 74).

The psychological damage and suffering (including mental stress, resentment, depression and insomnia) of sexual harassment victims is well documented. According to a survey by the Women's Development Center in 2001 of female workers who experienced a serious form of physical sexual harassment, 43.7 percent responded that they had come to hate going to the office, 26.9 percent replied that they had great difficulties continuing to work in the same office together with the offender, 14.2 percent responded that they still suffered from mental stress, and 6.8 percent reported a lower work efficiency due to stress from the harassment (Han and Kim 2001, 118.). Also, in 39 of the sexual harassment cases where the NHRCK agreed with the plaintiff, 15 rulings resulted in the worsening of working environments that resulted in the victim leaving the job and 8 instances where psychiatric treatment was necessary, including 2 attempted suicides. Moreover, in all these cases the victim experienced a loss of dignity and a sense of humiliation in addition to most of them leaving their workplaces after the working environment became hostile and interpersonal relations at work cooled (NHRCK 2008, 24).

While sexual harassment can lead to great psychological burdens and anxiety for the female victim, it largely remains incomprehensible to the male offenders and other male

colleagues how “such an innocent comment or act can be experienced as offensive” (Interview B). Interview B confirms both the reluctance of men to admit to their offences as well as their lack of awareness of the victim’s experience. Approximately 90 percent of the men who are ordered to receive “gender equality education” do not admit their own guilt during the first few meetings, and only about 50 percent of them will do so in subsequent meetings. However, even if they do acknowledge it, they often blame it on external influences such as alcohol, or claim that the harassment was “misunderstood” and that the victim overreacted. The remainder claim that they are “not that kind of guy,” often failing to admit or even understand how their acts or comments could be taken as discriminative or offensive. Faced with accusations of sexual harassment, these men often receive support from other male colleagues, who do so through initiatives such as signature campaigns in support of the accused’s “innocence” (Interview B). It can be added there that these signature campaigns are typically just shows of support by other men who often have no first-hand knowledge of the events in question and deny sexual harassment is even a problem in the first place.

Those offenders who actually do want to change their behaviour and mindset upon receiving “gender equality education” are often faced with great difficulty in doing so. Their bosses, co-workers and friends pressure them to continue their old patterns by expecting them to join in on sexually loaded comments and jokes at the workplace and continue going to places which provide sexualized entertainment or services. (Interview B). Accordingly, the situation in the workplace cannot be expected to change without changes in the public's awareness of sexual harassment, and social pressures will continue enforcing a continuance of the status *quo* without any actual will to change the overall gender relations and expectations in the society. Furthermore, many of the men who receive gender equality education state that it is the first time they have had a chance to even ask about different aspects of gender equality or be asked to consider situations from a woman's perspective (with regard to what she might find offensive). A factor in this could be the lack of communication and interaction between the sexes that starts at an early age and carries through to adulthood. By usually attending different schools and participating in different after-school activities, young boys and girls are ingrained with an idea of segregation based on gender that is exacerbated by the two-year-long isolation of all young men during their mandatory military service. In this way, girls and boys exist in very different

worlds, something that contributes to a lack of communication and men's understanding of women (Interview B).⁴⁶

Considering all of this, it is important to recognize sexual harassment as an acute social problem with deeply-rooted causes in the socio-political background of Korea and consequences that reach beyond relationships between individuals and affect the very economic and social fabric of society. Furthermore, because of the economic consequences suffered by its victims (in addition to the purely psychological ones), sexual harassment should not only be treated as a violation toward the rights of women, but also as a violation of their labour rights. Therefore, it should be treated no differently from any other form of discrimination in employment with regard to salary, position, promotion or retirement (NHRCK 2008, 24; Kuk 2003, 74).

6. Concluding Remarks

Compared to North America and Northern European countries, the percentage of Korean female workers who are thought to have experienced sexual harassment in their workplace is relatively high, coupled with an extremely low reporting rate. This disparity results from Korea's socio-political background and its influence on legal measures and public perceptions of sexual harassment. The lack of concrete guidelines in preventing and dealing with sexual harassment at the workplace, gendered hierarchies at the workplace, a masculine workplace culture, the low job security among female workers and the social consciousness reflected in the offenders' justification of their actions and the female workers' personal experiences of the sexual harassment all result from this socio-political background and are unlikely to change in the near future.

Only with a radical change in legal measures will the social recognition of sexual harassment as a problem change. Among others, the needed specific changes include stronger preventive education, a larger responsibility levied on employers in preventing and protecting victims against unfavourable treatment upon reporting, and stronger punishments for the

⁴⁶ Segregation of the sexes started in traditional Korea when the social interaction between boys and girls after the age of seven (*namnyŏ ch'il se pudong sŏk*) was prohibited among the higher classes (the *yangban*).

offender coupled with actual enforcement capability. With this, an awareness of unacceptable sexual behaviour at work, the employer's sense of responsibility, and the victims reaction to sexual harassment (i.e. whether she chooses to report an offence or not) can lead to an overall decrease in sexual harassment and increase in reporting rates. The current law on sexual harassment in Korea are modelled on the existing US laws and despite some shortcomings may be considered relatively progressive. However, as it stands, current laws have negligible impact on the instances of sexual harassment and act as straw men without any substance. Only with a serious will to enforce the ideals which underpin the current laws (which lack true effectiveness) can social consciousness change in the face of a strong tradition of gender segregation and social hierarchies (age hierarchy etc.) embodied in the Korean socio-political background.

APPENDIX

Considering the social stigma and taboo surrounding sexual harassment, it was very difficult to get in touch with women who had experienced sexual harassment and who were willing to talk about it. Furthermore, being a foreign student in Korea I did not have much direct contact with common workplaces or female workers. As a result, I had to rely on friends and acquaintances to get in touch with the women I interviewed. While three of the interviews were completed during a three week long fieldwork in Korea during the summer of 2008, the remaining two were completed through email after I returned to Norway.

At an early stage of the fieldwork in Seoul, I contacted “Korea Sexual Violence Relief Center” (*Han’guk yŏsŏng p’onryŏk sangdamso*, or KSVRC), and requested a meeting to learn more about sexual harassment in the Korean society, specifically the experiences of women with regard to sexual harassment. I went to the organization and met the woman of Interview A, who works in the section for sexual harassment and counsels women who have been sexually harassed. The second interview was also arranged through the same organization: along with being a counsellor for women who have experienced sexual harassment and sexual violence, Interviewee B also works for KSVRC as a “gender equality educator” (*yangsŏng p’yŏngdŭng chŏnmun kangsa*) for men who have sexually harassed women. Together with Interview A, Interview B provides necessary general background on the attitudes of women and men with regard to sexual harassment at the workplace, giving possible reasons for the disparity between the high percentage of sexual harassment and the low reporting rate.

After this, through an acquaintance I got in touch with a woman who had been sexually harassed by her boss. However, the woman cancelled at the last minute due to personal reasons. My acquaintance later told me that in addition to family matters, she recently found a new job and did not want to be “reminded” of the sexual harassment incident at her former workplace. A week before I left for Norway I finally got in touch with a woman who was willing to talk about her sexual harassment experience. Interviewee C had been sexually harassed by her boss (department chief) when she worked as a teacher at a *hakwŏn* (a private teaching institute), and had reported the offence to the National Human Rights Commission of Korea (NHRCK), so that he could get “gender equality education.” We met at a teahouse, where she told me of her experiences and thoughts surrounding it. She told me that she could imagine it being difficult to

get Korean women to talk about such a “personal experience,” and that because of the low social consciousness and taboo surrounding the topic, she found it important to not only to report but also to talk about it. Due to limited time and the difficulties in finding someone who wanted to openly share their experiences with me, the two remaining interviews (D and E) were completed after I returned to Norway via email. Both of these two women were sexually harassed by their employer, but had not reported it due to fear of losing their employment and social ostracism.

Presentation of the Interviews:

Interviewee A works at the sexual harassment section in KSVRC, a non-governmental organization which provides education to both experts and the public on preventing sexual violence and harassment in order to create a gender-equal society. In addition to that, the organization provides professional counseling for victims of all types of sexual violence, harassment and discrimination. The sexual harassment section works with different aspects of preventing sexual harassment, such as monitoring the law and policies. It also provides various programs for victims of sexual harassment including therapy and otherwise works on changing the social consciousness of women’s sexuality and improving their rights.

The interview is based on her own expertise working with sexual harassment victims at KSVRC. On the question of the disparity between the assumed high percentage of sexual harassment and the few sexual harassment cases, she points out three main factors: firstly, the patriarchal society and labour market, including social expected gender and work roles. Secondly, the unsecure labour market for women: the low job security for women workers, and the high percentage of non-regular women workers. Lastly, the lacking social consciousness of sexual harassment as a social problem, including the lack of explicit prohibitions against and protection from sexual harassment in everyday situations and the labour market.

Interviewee B also received training at the KSVRC as a counselor for women who experience sexual violence and sexual harassment. However, these days she works as a “gender equality

educator” for men who have sexually harassed or committed sexual violence towards women. The three main purpose of the “gender equality education” is to get the offender to admit the wrongdoing, to make the offender search for the underlying reason behind his action, and to educate in gender equality and women’s rights so that the offense will not be repeated. The education takes place over six to seven meetings, each lasting four hours. The men who attend these courses are forced by their employer or by court to attend, as it is one of the penalties the offender gets in order to punish and prevent further incidents. In addition to the KSVRC, the NHRCK, the Ministry of Labour and other civil organizations provide similar “gender education programs” to prevent sex discrimination and sexual violence in the labour market. The interview is based on her own experience working at KSVRC. Interviewee B supports Interviewee A’s stated reasons for the disparity in case of sexual harassment at the same time as she points out young women’s (early twenties to late thirties) lack of job security through low positions, unskilled jobs and temporary positions as the main factors behind this.

Interviewee C worked as a non-regular teacher at a *hakwŏn*, where she was sexually harassed by her male boss (the department chief). The harassment lasted for one and a half years. She reported him to the NHRCK so that he could get schooling on sexual harassment and gender equality. The NHRCK found him guilty in sexual harassment and advised him to get “gender equality education” at the NHRCK. He denied the accusations and has not received any education at NHRCK as of November 2008.

*The first incident was in a period when she was working late; her boss gave her a ride home several times. One time, he touched the inside of her thigh and said “you know you have to pay, right?” The second time, was when he called her to his office. When she sat down beside him he again felt her thigh. She ran out of his office. The third time he came into the teachers’ room where she was sitting and suggested that she should look at a certain internet site for pornographic pictures. She refused to look for the internet site and he tried to find it for her but could not and she walked out. The last incident was at the lobby of the *hakwŏn* where he tried to hug her forcefully. She tried to escape but he blocked her way and tried to hug her again, after which she got angry and pushed him away. Her boss denied all the incidents, although other employees supported the victim. One said that she had heard the accuser complain about the*

incident, another said that she also had been sexually harassed by the boss, while a third said that he had not seen or heard anything.

Interviewee D is in her early thirties and works as a regular worker in a small-sized private company with 15-20 employees. She has experienced repeated sexual harassment from her male employer. The sexual harassment has occurred over three years, the latest incident happening in August 2008. She has not reported any of the incidents for fear of losing her employment at the company or otherwise damaging her career. The case is a good example of sexual harassment in the Korean labour market, specifically in out-of-office situations. Moreover, it exemplifies how the strict gender and age hierarchy and the male centred after-work get-together culture can contribute to the objectification of a woman's sexuality.

The first incident was during her first year at the company. One day she had to work overtime and the boss (who was the owner of the company) asked her to eat dinner together after she had finished her tasks. Because it was the boss, she felt she had to comply. He invited her for dinner at a place not easily accessible to public transport. When the dinner ended the public transport was no longer available and he offered her a ride. Before the car departed, he forcefully tried to kiss her. She got out of the car and ran 30-50 meters, after which he followed her and apologized before she got back into the car. The next day he called her to his office and apologized to her.

The second incident happened during an after-work get-together (hoesik) in the second year of her employment. The dinner ended after all public transport finished. Although she wanted to take a taxi home, the other colleagues and boss did not allow this, and she ended up riding with the boss while someone else drove his car (teri unchŏn- a service where you can pay someone to drive your car if you have become too drunk to do so yourself). This time she said OK, because she thought that with a driver presence the boss would not do anything. She was sitting in the back of the car together with the boss. When she closed her eyes to relax he suddenly touched her thigh. She moved and the boss took away his hand. He did not apologize. After this night she asked if they could have after-work get-togethers in places close to public transport, and tried altogether to avoid this socializing.

The next incident was three years after she was employed when she and the boss were attending a seminar abroad. After dinner and a cocktail party, people were going to their own rooms (the

seminar was at the hotel they stayed at) and the boss asked if they could drink more wine in the hotel bar. She came up with an excuse and refused politely. The next evening, the boss asked her to come to his room to sort out some papers. When she arrived there he was a bit drunk and tried forcefully to kiss her. She ran away and boss did not comment or apologize for his behaviour.

The last incident was in August 2008. The hūisik was just ending and she was leaving the restaurant when she suddenly felt someone touching the back of her legs. Turning around, she found that it was her boss. By that time everyone else had already gone out so there was nobody else to see it.

Interviewee E works in a private company with approximately 100 employees. She was sexually harassed by her employer in his car when they were on the way to meet a business partner. Although she felt stress and anxiety when she worked with the boss after the incident, afraid that he might sexually harass her again, she did not report the incident. Knowing there were several other women at the company who had similar experiences with her boss, and not wanting to be the only one who made a “fuss about it” (since it would only damage her reputation and position at the company), she chose not to comment on or report the incident. The interview is a good example on the low social consciousness of sexual harassment and how easy it is to trivialize discriminative behaviour against women workers.

The employer complained about his marriage while continually asking the women very intimate questions, claiming that he could be a good boyfriend. She did not want to reveal what these questions were, other than that it made her feel disgraced as a woman and that she felt continued stress and anxiety working with him after the incident.

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ABSTRACT

During the last four decades, the active participation of South Korean women in the country's economy has increased steadily. This has been followed by the enactment of several legal acts aimed to protect female workers from discrimination at the workplace. As this study will show, there exists a great disparity between the level of legal protection against sexual harassment and the actual practice of it in the workplace. While approximately 50 to 80 percent of female workers are thought to have experience sexual harassment in the workplace, less than one out of ten report the offence. To understand what causes this great disparity, I will focus on the country's socio-political background and its influence on legal measures, the social consciousness, employers' sense of responsibility in preventing and handling sexual harassment, the perception of female workers by their male counterparts, and the personal experiences of sexual harassment faced by women. This is provided as a necessary framework to understand the gender relations and hierarchy under which sexual harassment thrives. The thesis is partly based on my own fieldwork—a series of interviews with women who have experienced or otherwise dealt with sexual harassment and partly on analyses of relevant literature. It gives us insight into the thought processes behind the decisions of women on whether or not to report sexual harassment.